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ABSTRACT

In spring 1994, a seminar involving children's rights activists and researchers was held to examine how the monitoring of children's rights, within the context of the United Nations Convention on the Rights of the Child, supports the monitoring of the goals agreed to at the World Summit for Children. The seminar also reviewed the state of the art of child rights monitoring; examined international, national, and sub-national monitoring efforts; and made recommendations to improve the monitoring of children's rights. This seminar report contains sections covering: (1) the monitoring process, including a discussion of indicators of progress and the need to combine watchdog and measurement activities; (2) the holistic vision of children's rights of the Convention on the Rights of the Child, and the clusters of survival, development, protection, and participation rights and provisions identified at the seminar; (3) monitoring at national, sub-regional, sub-national, and international levels; (4) partnerships and alliances with non-governmental agencies, the research community, the media, and computer-based networks; (5) monitoring child rights in emergencies, as in Burundi and Yugoslavia; and (6) recommendations on monitoring in the context of advocacy and political pressure, monitoring for policy formulation and programming, and monitoring for legal enforcement and compliance. (AC)

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MONITORING THE RIGHTS OF CHILDREN

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SUMMARY REPORT

UNICEF International Child Development Centre
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Maggie Black

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INNOCENTI GLOBAL SEMINAR

MONITORING THE RIGHTS OF CHILDREN

23 May - 1 June 1994
Florence, Italy

SUMMARY REPORT

UNICEF
International
Child Development Centre
Spedale degli Innocenti
Florence, Italy

Maggie Black

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INNOCENTI GLOBAL SEMINAR
MONITORING THE RIGHTS OF CHILDREN - SUMMARY REPORT

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PREFACE

In celebration of the fortieth anniversary of the 1948 Universal Declaration of Human Rights, UNESCO published a volume on the International Law of Human Rights, entitled *No Distant Millennium* — borrowing one of a number of memorable phrases from the 1941 Four Freedoms Address of Franklin Delano Roosevelt. A year after that anniversary, the United Nations General Assembly adopted the Convention on the Rights of the Child, which has now become the world's most widely ratified human rights treaty. As the beginning of a new millennium draws near, however, how many more grim reminders must we suffer of the distance still separating mankind from the ideals of these covenants? Reminders like 'ethnic cleansing' in what was once Yugoslavia; or genocide in what is still called Rwanda; or the bonded servitude of child labourers in parts of Asia; or the hopelessness of teen-age mothers caught in a web of poverty, violence and drug abuse in urban slums like those of Washington D.C.; or the needless loss of 13 million children's lives each year because of poverty, malnutrition and disease.

The most popular of the one hundred or so Innocenti publications, *The Convention: Child Rights and UNICEF Experience at the Country Level*, produced in 1991, began as follows:

> *The new United Nations Convention on the Rights of the Child represents for all nations ratifying or acceding to its provisions, as well as for UNICEF, other members of the UN family, and the world's NGO community, not only an historic opportunity for practical action but also an extraordinary challenge not to allow this set of international commitments to go the way of far too many noble declarations and solemn covenants in the global arena of human rights.*

Distinguished jurists remind us that international human rights law is 'weak law'. Governments and other forces in society which systematically violate human rights, including the rights of children, need no reminders of how immune they are from the sanctions and remedies which characterize 'strong law'. The UNESCO contribution cited above even warns us that "there may be a point beyond which unsanctioned law or law which is consistently disobeyed ceases to be law". Do we run the risk of having future generations look back on the Convention on the Rights of the Child in that sort of sombre light?

There are at least two powerful weapons at our disposal to help us ensure that we do not betray the trust of current and future generations of children entitled to the protection of this new Convention: (1) the education and mobilization of world opinion, including children's opinions, about the meaning and importance of its provisions; and (2) the setting in place of a wide range of children's rights monitoring mechanisms, from the community to the international levels, to serve as both 'watchdogs' and as programming tools — which will often fall short of 'enforcement' procedures in the strict legal sense, but which have been shown, in many fields of direct concern to UNICEF, to be more powerful instruments for producing social progress than the force of law.

The second of these two 'weapons' was the subject of the fifth Innocenti Global Seminar, held in Florence, 23 May - 1 June 1994, on *Monitoring the Rights of Children*. This was the first of these intensive inter-regional seminars I have been able to attend, and I clearly chose a good point of entry into this series. Maggie Black's excellent report on this event, capturing some of the flavour and richness of the process as well as the product, explains in her Introduction what the Seminar was about and that need not be repeated here.

The Seminar began by considering a framework which explicitly recognized the importance of monitoring children's rights at all levels of society, starting at the community level — closest to the families (however fragile) where children actually live. Explicit recognition of the crucial role of non-governmental involvement in monitoring processes was also one of the key starting points. A quick look at the list of participants and their affiliations will make it clear why these points, linked also to an essential element of popular participation in monitoring processes, came so naturally to this group.

The initial framework also included a threefold distinction of various practical ways the Convention can be used by action-oriented institutions such as those represented at the Seminar:

1. As a **political, promotional or advocacy** tool: Using the Convention as a means both for: (a) generating increased political commitment to children; strengthening and broadening alliances and networks to advance children's best interests; and to motivate the public to be concerned for children's well-being; but also for (b) drawing attention to shortcomings, criticizing, and even 'shaming' violators of children's rights (the 'organization of shame' in the language of political and civil rights).
2. As a tool for **policy formulation and programming:** Taking advantage of the Convention as an opportunity, especially for 'development' agencies, child service organizations and NGOs which have not traditionally been involved in human rights work, to use this Convention as a way to broaden their framework for their regular policy and programme development, implementation and evaluation efforts.
3. As an instrument for formal **legal action:** Initiating legal action, including through the legal representation of groups of children and/or their families whose rights have been violated, through various mechanisms (depending on local legal possibilities and practices) including law reform, improved enforcement, social action litigation, class action suits or public interest law.

There are different monitoring strategies and requirements corresponding to these different approaches to implementing the Convention.

During the course of the Seminar, it became clear that the term 'monitoring' meant different things in different minds. Traditionally, in the human rights context, monitoring has tended to mean something akin to policing the fulfilment of rights. UN 'monitors' are the closest the international system can get to enforcing human rights provisions passed at the international level: they 'organize shame', usually discreetly, and try thereby to bring recalcitrant States Parties into line. But for those involved in the design and delivery of programmes — the traditional activities of UNICEF — monitoring is a data-gathering activity based on situation analysis which allows evaluation to be made of how an intervention is progressing and what impact it is having. In distilling the essence of the Seminar's many uses of the term, Maggie Black has brought out the distinction between 'monitors as watchdogs' and 'monitoring as measurement', and has shown how these two applications of monitoring come together within the child rights perspective. The first main chapter of the Report, revealingly called "Confessions and Confusions", contains the crux of this analysis.

It is our hope that this Seminar report will be an important contribution to strengthening monitoring processes for turning the Convention from what could become just another noble declaration of good intentions into a truly dynamic and powerful tool for promoting and fulfilling children's rights throughout the world.

Kul C. Gautam
Director
Programme Division
UNICEF

INTRODUCTION: MONITORING THE RIGHTS OF CHILDREN

During the past five years, an extraordinary momentum has gathered behind the promotion of children's rights. In 1990, within a year of its adoption by the United Nations General Assembly, the Convention on the Rights of the Child (CRC) entered into force as an international treaty. By mid-1994, no less than 160 countries had become States Parties, a pace and volume of ratification unprecedented in the history of international human rights treaties. Universal ratification by 1995 — a target set as part of the process of attainment of the World Summit Goals for Children in the 1990s — is within reach (see Annex 2). Even the most enthusiastic of child rights activists, who in the 1980s battled to overcome disinterest and cynicism, could not have imagined that within such a brief time-span their cause would win such widespread international support.

This impressive response to the Convention requires, however, pause for thought. For the stampede towards ratification raises vital questions about the processes whereby these statements of intent, to which States have made binding commitments, can be practically realized. In a large number of the countries that have ratified the Convention, a considerable proportion of the child population is far from enjoying the fulfilment of their newly acknowledged rights. This gap between the actual and the ideal has been seized upon by sceptics, who point to the childhood distress brought about by economic recession and adjustment, violence and conflict, and the marginalization of the female and the poor, trends which strain the credibility of many countries' commitment to child rights. It is sobering to recall that Rwanda is a State Party; and that Serbia's interest in the Convention appears to be confined to its use as a propaganda weapon against the imposition of economic sanctions. In many environments, the fulfilment of children's rights will require a long process of incremental change, interacting with wider dynamics of social, economic and political transformation, not all of which are currently pulling in the necessary direction.

Widespread ratification of the Convention thus opens up questions of a technical nature, not only about its implementation, but about how to measure implementation performance. All those involved in child-related activities — policy makers, programmers, activists and legislators — need to be able to gauge whether, how, and to what degree the fulfilment of children's rights is underway in a given environment. In other words, they need to be able to 'monitor' progress. Under the terms of the Convention, States Parties are obligated to report on this progress, and they therefore need to put in place effective systems of child rights monitoring. The development of such systems is part of the implementation challenge and could also have a spill-over effect into human rights monitoring generally.

A mounting sense of need to think through the many issues concerning the monitoring of children's rights was the spur which brought together 40 participants at UNICEF's invitation for the fifth Innocenti Global Seminar on *Monitoring the Rights of Children*, held at the UNICEF International Child Development Centre (ICDC) in Florence from 23 May to 1 June 1994. ICDC has been in the vanguard of research, analysis and reflection on issues relating to children's rights. Although the concept of 'rights' is abstract and — as the Seminar was reminded by participants from Africa — is still unfamiliar in certain belief systems, UNICEF's view is that situations of deprivation succumb to a careful process of situation analysis, goal-setting and strategic planning, and that the achievement of rights need be no exception. If the rights of children can be defined, and current failures to fulfil those rights can be identified, it must be possible to develop systematic ways of monitoring progress — or regression — towards their fulfilment.

The Seminar topic attracted widespread interest both within UNICEF and from the wider community involved in child-related activities — non-governmental organizations, researchers and academics. The number and seniority of participants at the Seminar was recognition in itself that the topic was one of timely importance. Two of the current members of the Committee on the Rights of the Child, the body of ten experts elected by States Parties to monitor compliance at the international level, took part: Thomas Hammarberg of Sweden and Marta Santos-Pais of Portugal. Other distinguished 'official' participants external to UNICEF included Robin Bradman Weerakoon of Sri Lanka, Presidential Advisor on International Relations; Dr. Mohammed Said El-Dakkak, Dean of the Faculty of Law of Alexandria University and President of the Interna-

tional Law Association (Egyptian chapter); Mireille Roccatti Velazquez, President of the Mexican State Commission for the Protection and Defense of Human Rights; and Nordov Bolormaa, Chairperson of the Mongolian National Centre for Children.

Among the senior UNICEF participants were the Special Advisor to the Executive Director on matters relating to child rights; the Directors of Programme Division, Planning, and Division of Information, the Director of ICDC, the Representatives to Bangladesh, Barbados, Nigeria and Sierra Leone as well as programme staff and external relations, education and information officers. A broad range of other organizations, activists and researchers from all over the world also took part, including Peter Ebigbo, President of the Nigerian chapter of the African Network for the Protection of the Child Against Abuse and Neglect, Eva Geidenmark and Eva Lithman of Swedish Rädda Barnen, Kamalinne Pinitpuvadol of AsiaNet in Bangkok, and Per Miljeteig, Director of the Norwegian organization Childwatch International. Participants' professional backgrounds extended from anthropology through journalism, psychology, education, law, social welfare and political activism. The programme was designed by Alan Silverman of UNICEF's Training and Staff Development Section and Kimberly Gamble-Payne of UNICEF's Child Rights and Public Policy Section.

The first task undertaken by Seminar participants was to place child rights within their global context and review the many interactions between the Convention on the Rights of the Child and other instruments which influence work on children's behalf — the 1990 World Summit for Children Declaration and Plan of Action and subsequent National Programmes of Action for children; Conventions on other human rights issues; organizational programmes and mandates. A framework for both monitoring and implementation was proposed by Jim Himes, Director of ICDC, distinguishing the three types of uses to which the Convention can be put: advocacy; policy formulation and programming; and legal action, such as legislative reform, in the form of legislation or in the pursuit of cases under the law, including social action litigation.

Participants — whose familiarity with the Convention's 54 articles varied — took the opportunity to become steeped in its provisions, and to examine their personal and professional relationships to them. Child rights were broken down into four categories — survival, development, protection, participation — and the Convention articles were examined under these headings. This enabled distinctions to be made between the problems of monitoring different types of rights, contrasting those for which well-established methods already exist and those less accessible to standard monitoring procedures.

The Seminar objectives:

- To examine how the monitoring of child rights, within the context of the Convention on the Rights of the Child, supports and complements the monitoring of the 1990s Goals/Mid-decade Goals as agreed at the World Summit for Children.
- To review the 'state of the art' as concerns child rights monitoring, covering how we now monitor these rights in various countries, including currently used indicators and the need to develop additional indicators.
- To examine work at the international, national and sub-national levels as concerns child rights monitoring, from the perspectives of governments, NGOs, communities, the media and the UN.
- To make recommendations at various levels on what needs to be done to improve the monitoring of child rights.

The Seminar then moved on to examine monitoring within two principle frameworks: the participation of partners and allies in the monitoring process, and the different problems posed by monitoring at different levels of society — sub-national, national, regional and international. Sessions were also held on monitoring rights within the context of emergencies; on the media; and on data-gathering and information networking systems. Each topic represented a different perspective from which to tackle the Seminar's overall objectives (see box on page 8).

The Convention and the Mid-decade Goals

The question of the relationship between the monitoring of child rights and the monitoring of the 1990s Goals/Mid-decade Goals agreed at the World Summit for Children was tackled at the outset. One of UNICEF's strengths as an organization, and a strength on which its current reputation is built, is its commitment to establishing measurable targets and to evaluating programmes on the basis of progress made in achieving those targets. Many of those who have come to the movement for children's rights from an activist human rights background have sometimes found it difficult to see how the 'measurable target' approach can be applied in the context of rights violations and their remedy via the law. UNICEF, in its turn, has sometimes proved reluctant to take action in areas less easily susceptible to the 'measurable target' formula. This Seminar objective was therefore implicitly concerned with resolving underlying tensions between rights-oriented and goals-oriented approaches and marking out common ground on which their protagonists can join forces.

Agreement was reached that there was no dichotomy between the monitoring of rights and the monitoring of the goals. However, the general view was that the monitoring of progress towards the goals tended to support and complement the monitoring of child rights — not the other way around. Attainment of the goals would itself be an indicator of progress towards the fulfilment of rights. Whereas the decade and mid-decade goals are almost all quantifiable, time-bound and concerned with survival, health and educational objectives, the rights of children laid out in the Convention are all-embracing and timeless. Advocacy of the Convention may assist in advancing towards the achievement of goals; thus operational policy does not insist on 'goals first, then rights'. But of all possible goals, fulfilment of rights is the ultimate.

The consensus surrounding this relationship did not, however, dispose of the preoccupations relating to goals and rights brought to the Seminar by field-based UNICEF staff, particularly those working in countries where the attainment of many of the goals is proving complex. In these cases, given the overwhelming importance accorded to the decade and mid-decade goals in terms of organizational priority, the greatest contribution UNICEF can make in these countries would be in the areas of children's rights to survival, better health and nutrition as reflected in the mid-decade goals. Contributing to these rights, which affect the well-being of tens of millions of children, is not an insignificant contribution to child rights. In fact, not pursuing goals that are relatively easily achievable and which benefit millions of children is perhaps a worse dereliction of duty — if not violation of the spirit of the CRC — than focusing on violations of certain child rights for which there are no readily feasible actions.

Underlying this concern was the lingering perception that child rights issues are a separate category from education, health, nutrition and other traditional UNICEF concerns. There is still a tendency in UNICEF for the pursuit of child rights to be equated with action on behalf of 'children in especially difficult circumstances' (CEDC): working and street children, neglected, abused, abandoned and orphaned children, child victims of war, and other categories of special disadvantage. While this had been the historical 'entry point' to child rights in UNICEF, participants were reminded that there had been a major change in organizational thinking over the past two years. This change itself indicated that those committed to meeting needs and those committed to extending rights had already moved closer together.

Various recent statements by UNICEF's Executive Director James P. Grant were cited in this connection. Special reference was made to the speech delivered on his behalf at the World Conference on Human Rights in Vienna in June 1993, which contained a visionary exposition of the potential importance of the Convention on the Rights of the Child within the broad framework of the human rights and

Children's Rights: The Cutting Edge of Human Rights

Let us recall that with the Convention on the Rights of the Child, the international community was able, for the first time, to lay a bridge across the ideological gulf that has traditionally separated civil and political rights from economic, social and cultural rights. People forget that. Countries forget it. On occasion - dare I say it - international forums overlook it. But here we have a Convention where all the rights are fully integrated. In a word: indivisible...

We believe that the Convention's articles on children's rights to participation and to freedom of belief can be used to strengthen and enrich democracy, both where it is new and fragile and where it is venerable and stable. Although children do not have the right to vote, we all know that children can be powerful agents for social change.

James P. Grant
Address to the World Conference on
Human Rights, Vienna, June 1993

anti-poverty agendas. The idea that the consensus surrounding child-related issues can be used to expand the political space on behalf of other parts of the human development agenda was developed by UNICEF during the late 1980s and early 1990s, and has become a driving force in executive thinking. The same rationale has now been applied in the context of human rights, as was encapsulated in the title of the Vienna speech: *'Children's Rights: The Cutting Edge of Human Rights'*. The importance attached to this idea is underlined by the appointment of Teresa Albanez as a child rights protagonist in the topmost UNICEF echelon, as well as by UNICEF's advocacy work on behalf of the Convention and its support for the international monitoring process.

Urban Jonsson, UNICEF's Regional Director for South Asia, presented to the meeting a useful construct for interpreting the historical relationship of needs to rights. He suggested that many needs, and even the means to fulfil them, have long been recognized. However, such needs remain unfulfilled because political will to meet them is lacking — or, as he prefers, wrong **choices** have been made. Over time, with changes in the political climate, needs became claims: the World Summit for Children marked the moment at which Heads of State recognized a duty to meet the basic needs of children, and promised to try to do so within a certain time-frame. The Convention on the Rights of the Child represented a further evolution: the transformation of claims into rights. States Parties implicitly accepted a new level of responsibility, that rights must be backed by laws and that citizens should be entitled to redress under the law for rights infringement.

Where needs exist, there may be embarrassment about the failure to meet them; but until needs become claims and eventually rights, there is no obligation on the State to do so.

Urban Jonsson

Although consensus was reached among Seminar participants on the relationship between goals and rights, the debate did draw out certain inconsistencies in UNICEF's operational position *vis-à-vis* the Convention. These may reflect nothing more than the slow pace at which, within a large bureaucracy, changes in organizational philosophy filter through administrative layers, move across sectoral and departmental boundaries, and find expression in programmes and workplans developed in multi-year cycles. Thus, there is as yet a weak manifestation in practical terms — as evidenced in programming guidelines, policy documentation, job titles and

descriptions and budgetary allocations — of UNICEF commitment to the Convention as its ultimate frame of reference. UNICEF Representatives can find it difficult to make practical decisions about how to deploy programmatic resources when operational signals on child rights sent out by the centre are weak or inconsistent.

How high a priority should a UNICEF Country Representative give to child rights? As all UNICEF actions are or ought to be in support of child rights, the need to accord these the highest priority is implicit. The challenge for us is to articulate more explicitly and in a meaningful way our actions in terms of the broad framework of child rights.

Kul Gautam

Towards the end of the Seminar, Kul Gautam committed the Programme Division to a revision of programming guidelines to correspond with the new centrality of the Convention in organizational thinking. Henceforward, country offices would be obliged to reverse the situation whereby child rights are the subject of a small component of the country programme instead of its guiding light. This would help to reduce the sense of operational dilemma, and provide country representatives with a navigational aid through the rights, needs and goals programming landscape. Seminar participants welcomed this commitment, which will help reduce operational tensions stemming from the shift from a child needs to a child rights framework within UNICEF.

Redefining CEDC

One discussion which surfaced from time to time during the Seminar and which had a close bearing on the relationship between goals and rights concerned the definition of 'children in especially difficult circumstances'. In UNICEF, CEDC are currently seen in programmatic terms as a distinct target group. Many participants argued for a 'conceptual leap' to redefine CEDC as all disadvantaged children, including those disadvantaged by their lack of access to such services as preventive health and immunization.

This would make CEDC the primary target group of all UNICEF cooperation; it would represent a mainstreaming of disadvantaged childhood as a programmatic concern, equivalent to the mainstreaming of women's disadvantaged status which is now addressed within all UNICEF programming work as well as by affirmative action. The potential long-term implications of such a change are radical. It could mean, for example, exchanging a policy of extending successive interventions to reach the majority of children for a policy of focusing multiple interventions on a relatively smaller group — those defined by their disadvantage.

Although the debate about goals, rights and their respective places within a schematic hierarchy was not strictly about monitoring, it helped to clear the horizon of obstacles to dealing with the central subject. It also demonstrated that the impact of the Convention on organizations working for children has yet to be fully internalized — they too will need to institute a process of self-monitoring to ensure respect for the new perspective in which all programmes of child-related international cooperation should henceforward be carried out. As yet, the sense of a conceptual leap regarding childhood and its claims on humanity has not reached far beyond the inner circles of the community working in child-related activities — at governmental, intergovernmental and non-governmental levels. Even within this community, the ideological transformation of children's fundamental needs into fundamental rights has yet to permeate fully the attitudes and values that ultimately govern the policy-making apparatus.

One of the important achievements of the Seminar was to enable its participants to embark upon, or advance, this attitudinal transformation in themselves. Although the Convention on the Rights of the Child is a timeless instrument, events surrounding it take place in time and space and their unfolding story is an important indicator of the 'state of play' concerning children's rights. The Seminar, as an event, can claim to occupy its own niche in the story. Many participants occupy gatekeeper positions in the organizations and countries in which they work, and the Seminar thus had the potential to open a new chapter in child rights implementation and monitoring activity.

This Report, as the rapporteur was made keenly aware, is expected to break new ground in child rights literature. Much emphasis was placed on the

fact that this was the first concerted effort to address child rights monitoring issues at all levels, with a variety of partners and within a variety of settings. However, the Report of a Seminar cannot do more than revisit discussions and presentations, distilling their essence and recording their highlights. In the light of some participants' expectations, the amount of new ground broken was modest: there can be no record of the triumphant discovery of a new set of monitoring prescriptions because no such discovery was made. Instead, through an animated process of intellectual exploration, participants recognized that the development of technical frameworks usable in different settings to design appropriate monitoring systems is a more practical aspiration.

It is this process of intellectual exploration, and the ideas and perspectives which crystallized within it, which this Report of the fifth Innocenti Global Seminar endeavours to capture.

I. The Monitoring Process: Confessions and Confusions

In relation to child rights, the activities of 'implementation' and 'monitoring' are usually bracketed together. The implementation of child rights requires instigating action to comply with the CRC's provisions. The types of possible activities range from law reform to punishing those who violate children's rights, from providing services such as education and health care to modifying social practices such as female circumcision. Implementation encompasses positive actions, including setting up programmes for the rehabilitation of juvenile offenders or ensuring that children become full participants; and negative obligations, such as not exploiting children or stifling their creativity. It also includes devising systems for monitoring these different types of activity.

'Monitoring' is less easy to define than implementation. The term is applied to different types of activities, some of which — such as the exposure of rights violations — are indistinguishable from implementation. The word 'monitor' comes from the Latin verb *monere*, meaning 'to warn'. In traditional usage, the word is a noun, describing someone or something that warns or reminds. By extension, a 'monitor' may collect information whose purpose is to keep check on a situation. In social terms a 'monitor' may be appointed to keep order. The word 'admonish' stems from the same root. Thus, etymologically, 'monitoring' means information-gathering for the purpose of reminding or warning, which may include admonition.

The Seminar did not at its outset establish a clear distinction between implementation and monitoring, nor did it disentangle the various contemporary applications of the concept of monitoring. In retrospect, both of these areas needed more careful exposition. The term 'monitoring' was used loosely and meant many different things in the minds of those present. For some, its critical ingredient was data-gathering, and it principally meant 'research'. Others used the word where they could have said 'systematic programming': one participant offered a three-dimensional programme monitoring matrix. It was also used to mean 'looking out for', 'warning' and 'policing'.

Most of the activities discussed during the course of the Seminar can be grouped under two headings: information-gathering and monitoring for social planning and programming; and information-gathering and monitoring for advocacy or warning.

Proposed three-dimensional monitoring matrix

Kunio Waki

"At the beginning of the Seminar we became obsessed by indicators. This is because we are very preoccupied by the mid-decade goals, and work in that context has biased our perception as to what monitoring is. This bias needs to be corrected.

"Monitoring has to do with scheduling and inputs into programmes, as well as delivery of services and the impact they are having. We need a matrix".

1. **What do we monitor?**

- ➤ *Inputs* (by government, NGOs, private sector)
- ➤ *Outputs* (such as immunization coverage)
- ➤ *Schedules* (such as target date for completion of input, or achievement of impact)
- ➤ *Impacts* (such as changes in IMR, U5MR, school completion rate, etc.)

2. **Areas of activity**

- ➤ *Service delivery* (inputs, outputs, schedules, impacts)
- ➤ *Capacity-building* (inputs, outputs, schedules, impacts)
- ➤ *Advocacy* (inputs, outputs, schedules, impacts)

3. **Players**

- ➤ *UNICEF, NCOs, government, media, private sector, Committee on the Rights of the Child, etc.*
  - what activities?
  - what inputs, outputs, schedules, etc?

This 3-dimensional matrix allows the planner to work out WHO does WHAT, WHEN. Kunio Waki then added a fourth dimension: **Levels:** community, district, national, regional, international.

This matrix covers all contexts of monitoring within programming; it assumes that monitoring itself is not variable.

Monitoring as Measurement

In the context of social planning and programming, 'monitoring' has a precise function related to the collection of data and its analysis; admonition plays little or no part. Alongside 'evaluation' — to which monitoring contributes — it is normally pursued within a framework of 'management by objective'. Monitoring is the data-gathering and analysis procedure built into any intervention which allows managers to find out from 'indicators' how far things have progressed from the 'before' situation to the intended 'after' (see box on page 15).

Conceptually, monitoring as a planning instrument sounds simple, but operationally it can be very complex. The difference between 'before' and 'after' may be charged with social values which vary from setting to setting, and cannot be easily deduced from statistical quantification. For example, Article 27 of the CRC sets down "the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development". This "adequate standard of living" will not be the same in a Nepali village as in Buenos Aires or New York. Some economists argue that monitoring cannot be scientifically employed where, in the memorable phrase of one Seminar participant, data is 'value-infested'. However, the choice of what to quantify itself requires the making of value judgements; so the existence of value-free data is something of a myth.

The protagonists of monitoring — exemplified by Jo Boyden, a specialist on children's issues — argued that, even where relatively intangible goals such as quality of life improvements are sought, the discipline of monitoring is a necessary part of implementation, notwithstanding the intrusion of 'value-infestation'. Many programmatic interventions are made on behalf of children by well-meaning practitioners — in government, intergovernmental and non-governmental organizations — without any thought as to how their performance can be measured over time. As a result, it is impossible to assess their effectiveness. Without some system of monitoring, it is not possible to demonstrate conclusively whether the intervention is helping or hindering. Nor is it possible to judge what adjustments would cure its defects or enhance its benefits.

The critical ingredients for the monitoring of interventions and their impact are good baseline data and 'indicators'. Baseline data form an essential part of the analysis of the 'before' situation, and should reflect not only the scale of a problem but also its immediate and underlying causes. Seminar participants unanimously agreed that baseline data should be disaggregated by age, gender, ethnicity and rural-urban split. This considerably widens the monitoring framework traditionally employed by UNICEF and others.

The selection of 'indicators' depends on the diagnosis contained in the situation analysis and the type of proposed intervention. Jo Boyden underlined the important distinction between 'process indicators', which, in the case of schooling for example, provide information about how many buildings have been built, staff trained, and children enrolled; and 'impact indicators', which furnish information about whether the intervention is of benefit to the children who receive it. The latter might include, in this case, the number of children who obtained a primary school certificate within the prescribed number of years.

At the international level, UNICEF has emphasized the importance of a set of overall indicators from which conclusions can be drawn about the state of children's well-being. These are currently almost exclusively related to health and education, and include rates of infant and young child mortality, maternal mortality, immunization, literacy, incidence of low birth weight, incidence of breastfeeding, access to water and sanitation, school enrolment, and availability of health services. The latest statistics obtainable worldwide under these headings are computed and published annually in UNICEF's *The State of the World's Children* Report. This activity in itself has an important monitoring function regarding the progressive fulfilment of children's rights within the health, education and welfare categories.

However, for programming purposes at country, district or community level, a set of specific indicators is needed. Some UNICEF country offices — for example, the India Office — have produced extensive analyses of baseline data and lists of indicators relevant to social planning interventions. As became increasingly clear during the course of the Seminar, different indicators will be appropriate in different diagnostic settings. For example, where a high pro-

portion of children enrol in school but few stay on, the gross enrolment rate is not a sound indicator of progress towards universal primary education, which is better assessed by finding out what proportion of children complete school. A low completion rate in such a setting additionally indicates that schooling is of low quality. But in a different setting, where primary education is compulsory and almost all children complete it, the completion rate does not necessarily provide such a useful guide to quality.

Similarly, in settings where a high proportion of child death is caused by immunizable diseases, a rising immunization rate will provide a reasonable proxy indicator of improved child survival. In settings where virtually no child dies of immunizable diseases, as in Europe, a rising immunization rate will indicate nothing about increased child survival; it may, however, be a good **process** indicator of the spread of services and health care knowledge among the population, and a suitable **impact** indicator of access to health care.

It is easy to make mistakes about the value of specific indicators unless there is a clear understanding about what is actually going on. In one extra-curricular Seminar session, Andrea Cornia of ICDC presented findings from recent data-gathering and monitoring in Eastern and Central Europe. While the child survival trends in post-Soviet Russia do not give rise to serious alarm, there has been a dramatic increase in mortality among young and middle-aged men. Superficially, therefore, it appears that child well-being is not at serious risk. But as Cornia

The monitoring framework: an example

- *The problem:* A large number of children employed in domestic service.
- *Objective:* To identify the children concerned, and instigate actions to improve their conditions of service, reduce their loss of childhood opportunity, lessen the degree of their exploitation, and eventually end the practice.
- *Monitoring tasks:* (a) Design a survey which captures information about numbers, types of households in which they are employed, types of families from which they come, terms and conditions of service, impact of their employment on their development, and information about existing services such as informal schooling for domestics; (b) measure the costs and benefits of interventions on their behalf, where/if these are introduced.
- *Actions required:* (i) Development of research methodology, including the selection of quantitative indicators (numbers, age, sex, hours of work) and qualitative indicators (living conditions, attitude of employer, feelings of children employed, care-giving towards child or lack of it); selection of interviewees: consideration of means to facilitate employer cooperation.
  (ii) Selection of agents to undertake the survey. (iii) Design of programme interventions and their methodology.
- *Further monitoring actions:* If a programme intervention is introduced, development of ways of using the intervention to improve the collection and quality of data: assessment of the intervention's impacts: dissemination of information about the situation of child domestics. This can be used both to design programmes, and for advocacy.

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pointed out, if children's needs/rights are also to be gauged in terms of living standards and parental care, the growing proportion of Russian children becoming fatherless is cause for grave concern.

People tend to think that quantitative indicators are more useful than qualitative ones; but quantitative indicators can mask problems. If you base information on households, how do you count the homeless?

Jim Himes

In the design of a specific programming intervention, indicators cannot be selected without careful reference to the situation in which the proposed intervention is intended to act, taking into account its many particularities. Poor selection may provide immaculate data of zero value. The chief danger is that the easily measurable drives out the important: less quantifiable phenomena which exert a powerful influence in a given context are excluded from the monitoring system because they are hard to get at. For example, in a water and sanitation scheme, it is easier to count the growing number of families within reach of pumps and taps than it is to estimate the degree to which they understand the connections between dirt and disease and are therefore motivated to use the new services for health promotion rather than simply for convenience.

The Quest for Indicators

The quest for indicators at one stage dominated the Seminar proceedings to the point of threatening to disrupt it. UNICEF programming staff are well-grounded in the process of establishing monitoring indicators in the context of young child health, nutrition and education; some had come to the Seminar assuming that its main task was to develop sets of indicators around child protection — to which no less than 14 articles of the Convention apply. The seventh goal identified by the World Summit for Children Declaration is: "Protection for the many millions of children in especially difficult circumstances". This is the only goal relating to protection, and the only one without a quantified target. Some participants expected the Seminar to provide them with a set of indicators which would enable them to apply standard programming methodology — baselines, goals, targets — to CEDC.

On the fourth day of the Seminar, a self-selected group of participants set themselves the task of filling this 'indicator gap'. CEDC are not a discrete category but include children suffering from many different types of disadvantage — exploitation, abuse, abandonment, violence. Unlike issues related to health or education, these disadvantages cannot be repaired by a strategy of expanding or improving service delivery in a specific service sector. This is an important stumbling block to monitoring the situation of CEDC, inhibiting both the process of inquiry and the process of goal-setting on their behalf. The provision of health can be met to a considerable extent by the provision of health care, and epidemiological inquiry is the task of the health services. Protection of a child from abandonment, exploitation or abuse, by contrast, cannot be met by expanding the number of child welfare institutions. Reference to the situation of the family and to the political, social and economic picture, including such issues as landlessness and employment, is essential. These are phenomena over which social welfare departments may not be able to shed much light or exercise much influence.

A further difficulty arises from the fact that while CEDC problems have universal characteristics, they are not susceptible to universal analytic formulae. The need to take social values into account additionally complicates the quest for indicators. In the case of child labour, which the indicators group selected for examination, universal norms have been established: ILO Convention No. 138 stipulates the exclusion of children from the workplace until the age of 15. But in most environments the elimination of children's economic exploitation requires a complex programmatic and regulatory response which respects the underlying economic and social reasons why children work; the nature of the work they undertake and its degree of hazard within health, psychosocial and exploitation frameworks, as well as other factors. The group found that what is needed is sound situation analysis in the given locale, using a checklist of subjects and areas that need to be addressed. The relevant indicators — both process and impact — can only emerge from the analysis.

The group exercise on CEDC indicators, shared with the Seminar as a whole, defused the frustration surrounding the quest for indicators. Even such an

able and experienced group, brainstorming in a beautiful Renaissance setting, could not conjure the creativity of a Florentine artist and invent a new architecture of monitoring for child protection rights. Those who had thought of indicators as the magic bullets of the monitoring process were obliged to change their expectations and rethink their state of comprehension; some participants even began to wonder if they fully understood what indicators are — not an inappropriate reaction (see box below).

The elusive 'indicator'

The following is summarized from a Childwatch International document: *Indicators for Children's Rights: Proposal for a Project to Identify and Develop Indicators for Monitoring the CRC.*

Very few, if any, adequate definitions of 'indicators' exist, other than that they 'indicate'. The UN Research Institute for Social Development (UNRISD) describes an indicator as a modest measure of an aspect of life and/or development that may only give indirect information about what is going on in a particular population at a moment of time, as well as demonstrating changes over time if the indicator is included in a time series. The World Health Organization (WHO) defines indicators as 'variables which help to measure changes'. The four essential WHO criteria for indicator selection are validity, objectivity, sensitivity and specificity. UNRISD provides seven: availability, comparability, quality, validity, discriminatory power, balance and avoidance of duplication, and conceptual significance.

The debate also revealed an ideological divide between those who are problem-led, and believe in analysing needs (unfulfilled rights) with a view to designing interventions and carrying them out independently of whether they happen to be indicator-friendly; and those who are measurement-led, and believe in focusing as a deliberate strategy on those rights and interventions which are easily quantifiable and therefore susceptible to 'management by objective'. Many programmes represent a mix of these strategies, and the important challenge is to programme systematically in both contexts.

Monitoring or Vigilance?

The term 'monitoring' is also applied to a much broader range of activity, some of which is difficult to distinguish from implementation. 'Monitoring' was often used in the Seminar to mean 'warning' (as in advocacy) or even 'policing'. In this context, monitoring implies a watchdog function. Information is collected about whether or not children's rights are respected in a given situation; if the situation falls short of the appropriate set of standards — in this case, those set out in the Convention — the responsible agents are called to account. This might take a confrontational form, as in the public exposure of violations and outright criticism of, or legal action against, perpetrators; or it might take the form of a more collaborative dialogue to persuade those policy-making and executive authorities ultimately responsible to take appropriate remedial action.

This interpretation of 'monitoring' corresponds to the function of the Committee on the Rights of the Child, the mechanism set up under Articles 43 and 44 of the Convention. The creation of this body, like those associated with other international human rights instruments, is designed to give the Convention at least some 'teeth': no powers of legal enforcement are attached to the implementation of any international human rights instrument. Within two years of ratification, States Parties are obliged to report to the Committee on the steps they have taken to implement the Convention, and the Committee reviews and critiques these reports. It may also take independent or preemptive admonitory action concerning child rights violations brought to its attention. Thus,

one area of interest for the Seminar concerned the experience of the Committee in trying to make its monitoring function as useful and effective as possible.

Thomas Hammarberg, a member of the Committee, described to the Seminar the principles that govern its monitoring approach. The Committee takes as its starting point the potential role of the Convention in realizing a new vision of childhood, and sees itself as a catalyst and facilitator of a process intended to make this vision progressively a reality for all children. This has led the Committee to try to maximize its operational space, using the mechanics of the States Party reporting system as its opportunity. In the elaboration of its own rules and procedures; in the preparation of guidelines for country reports; in the depth of Committee inquiry into the contents and shortcomings of reports; in the further interpretation of the Convention for implementation purposes; and in its formal observations, every effort has been made to foster a constructive dialogue leading to national policy change. The Committee emphasizes its independence and neutrality and avoids an accusatory style. Since all implementation activity has to be undertaken at state or sub-state level, persuasion is the Committee's most practicable strategy.

Within countries, and at the international level, monitoring in its watchdog form amounts to the exertion of pressure on political bodies, executive departments of government, legislators and law enforcement mechanisms to abide by national laws and solemn commitments. The need for watchdog bodies to be independent was underlined by participants, as was the need to involve representatives of civil society (such as NGOs) in their work. The task of admonition and 'calling to order' at the national level might be carried out by a body charged with this task, such as an ombudsperson; examples also exist, as in Mexico, of Human Rights Commissions being set up at the state level to monitor and take action on rights infringements.

Some campaigning NGOs, notably those concerned with human rights, specifically undertake this kind of monitoring and advocacy around issues such as child labour and sexual exploitation. Their leverage often depends on the degree to which they can gain publicity for their campaigns and thereby build public support for remedial action. In this context, the role of the media, especially in democratic societies where the media act as watchdogs on behalf of the public interest, is very important. Violations of rights are natural media fodder. But the media, especially where it is privately owned, also has a more capricious agenda: to entertain. Sensational stories on subjects such as the sexual exploitation and abuse of children, child criminals and child soldiers have a commodity value which may eclipse — or even nullify — their watchdog value; they may lack rigour and become anecdotal. But given the capacity of the media to investigate subjects hidden to standard research methodology, and their power to shape public opinion, journalists and activists with whom they often collaborate have a vital monitoring role *vis-à-vis* children's rights.

Recently, UNICEF has shown itself to be somewhat more willing to 'go public' on breaches of children's rights. In recent statements, the Executive Director has spoken out about anti-personnel landmines and the negative implications of economic sanctions for the well-being of children in countries on which they are imposed. However, given that the main donors and programme partners of any intergovernmental organization are the governments and establishments directly or indirectly criticized, UNICEF's capacity to carry a torch against rights violators is limited by the degree to which it is prepared to antagonize its partners and thereby put its programme — or funding — at risk. Pressure on UNICEF, both internationally and nationally, to become more vocal on certain issues appears to be rising as a result of the general momentum behind children's rights and because of the increased global attention to children's issues which UNICEF itself has generated.

Thus, monitors as measurers and monitors as watchdogs are closely related: information is power, and both are keen to deploy that power. The watchdog may alert the measurers to move into action; the measurers may produce information which the watchdogs publicize, thereby gaining political space

for remedial action. But although the two sets of interests often coincide, they can also be at variance, especially when other dynamics intrude, and the watchdogs over-sensationalize their case or use data which is far from neutral — in other words, is 'value-laden'.

Watchdogs and Measurement Combined

Finally, some examples of monitoring activity discussed by Seminar participants combined 'watchdog' activities and 'measurement of progress' activities. In the discussion on community-based monitoring, UNICEF officers pointed out that a monitoring activity is often designed to alert the community to problems within their midst so that they can take appropriate action; they are therefore their own watchdogs and measurers. That the data is fed into a district and national data-gathering system for government policy analysis is a secondary consideration.

Another example, this time at the international level, was the UNICEF report, *The Progress of Nations*. The idea behind this report is to produce a statistical comparison of how well States are performing in their fulfilment of children's basic needs in order to create a sense of competition around levels of performance. The report contains league tables on key indicators in child health, nutrition, education, family planning and progress for women; these indicators are carefully selected, and their choice is in itself an indicator of the kind of policies and goals which favour improvements in child well-being. Where countries find themselves low in the league table, for example, in girls' completion of primary schooling, this will hopefully encourage them to put policies in place which would improve their rating *vis-à-vis* other countries.

The report puts forward the argument that a country's condition of poverty or underdevelopment is not a sufficient excuse for poor performance: the technology and methodology for progress exists, and in many cases can be put into place at relatively low cost. Choosing to adopt it and deploying it effectively on behalf of children is largely a matter of political will. Thus, the report is a UNICEF device for gently admonishing governments who do not give high priority to children's well-being and for congratulating those who do — explaining at the same time the hows and whys of their success. A few countries have taken exception to the implied criticism contained in *The Progress of Nations*, illustrating the risks run by an intergovernmental organization in passing judgement — even judgement driven by official statistics about children — on its main partners and donors.

Another way in which the two different types of monitoring may overlap operationally was described in Thomas Hammarberg's presentation. The Committee on the Rights of the Child interprets its task under Article 4 ("States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of ... the Convention") to include 'monitoring of monitoring'. In its guidelines for the preparation of States Parties' reports, information is requested on: "Existing or planned mechanisms at national or local level for coordinating policies relating to children and for monitoring the implementation of the Convention". In other words, the international monitoring mechanism uses its influence to try to ensure that States Parties establish their own internal child rights watchdog and policy coordinating bodies, and that they apply social planning disciplines as part of their implementation of the Convention. This implies a degree of capacity-building for both types of activity: where, for example, the Ministry of Social Welfare is charged with monitoring child rights and reporting to the Committee, it may not prove adequately equipped for the task.

In the social planning context, the Committee has given priority to the identification of indicators for monitoring the different articles of the Convention. It believes that lack of data-gathering and failure to gather data in ways that meet basic requirements of validity, objectivity, sensibility, comparability, accuracy and disaggregation are impediments both to child rights implementation and to the effectiveness of the reporting process. This reality emerged from early reports from States Parties, and is echoed in *The Progress of Nations*, in which the shortcomings of statistical data-gathering and analysis in a number of countries are a recurring

theme. The Committee has therefore appealed to the UN system, NGOs and the research community for assistance in developing indicators related to the various articles of the Convention.

However hard the Seminar tried to keep monitoring and implementation separate from each other, it proved to be impossible. Monitoring is integral to implementation, and is the data-gathering activity which both informs implementation and acts as a watchdog over it. Meanwhile, implementation of the Convention on the Rights of the Child means — for some — a perpetual quest for those ever-elusive indicators.

II. Making the Convention Manageable

The Convention on the Rights of the Child is regarded — especially by the Committee of Ten — as holistic in spirit, avoiding any hierarchy of rights or explicit categorization by type. The fact that it fuses civil and political rights with economic, social and cultural rights is often cited as one of its most striking features. The holistic vision of childhood also brings intellectual, moral, emotional and spiritual needs into the analysis alongside the physical; and the broadening of the age range also has important implications, especially for UNICEF. However, for the purposes of handling the text intellectually and facilitating its analysis for monitoring purposes, the Seminar broke the Convention down into clusters of rights and provisions. Its discussion of the articles followed their relationship, in sequence, to survival rights, development rights, protection rights and participation rights. Broadly speaking, the first two categories correspond to economic and social rights; the second two to civil and political rights.

The survival, development, protection and participation rights clusters start with those relating to material and physical conditions of life (life/death, sick/well, rich/poor), move on to those which relate to social conditions of life (knowledgeable/ignorant, sanitary environment/squalid environment, has a family/has no family) and then move further on to those that relate to moral and spiritual conditions (sad/happy, loved/unloved, responsible/irresponsible). The further along the path, the more social values intrude into definitions, and the more difficult it is to analyse, measure or monitor situations without reference to local value systems. For example, what does 'knowledgeable' mean in an African village as compared to an Italian city? What is understood by 'family' in two such different environments?

In answer to the question, 'Who are you?', an African child will often give his father's and ancestors' names and give his own name last. There is extreme diversity in the notion of what a 'family' is.

Peter Ebigbo

Before discussions on the rights clusters, Thomas Hammarberg explained the rather different way in which the Committee has broken down the Convention for the reporting process. The Committee invites States Parties to structure the content of their reports, and conducts its discussions with them, within a framework of eight headings. These are as follows:

➤ **General measures of implementation:** This reporting area relates particularly to Article 4, and concerns the institutional measures States are undertaking to implement the Convention, including making its provisions widely known, the setting up of watchdog bodies, the designing of monitoring systems, and legislative review.

➤ **Definition of the child:** Under this heading come questions concerning norms and laws according to which the age of the child is defined, such as age of consent, minimum age of employment, school-leaving age, marriageable age. In the CRC, a child is someone aged less than 18; but in most societies many rites of passage are completed long before that age.

➤ **General principles:** While no right is seen as more important than any other, the Committee believes that the principles contained in certain articles have an overarching importance in that they underlie all rights. These are Article 2 (concerning non-discrimination), Article 3 (concerning "best interests of the child"), Article 6 (the right to survival and development), and Article 12 (the right to self-expression).

➤ **Civil rights and political freedoms:** This area includes the rights of children to have their opinions taken into account in any matters or procedure affecting them (Article 12); to have access to information (Articles 13 and 17); to freedom of thought and religion (Article 14); to peaceful assembly (Article 15); and to respect for privacy (Article 16). In these contexts there may be clashes between extended family or parents' rights and children's rights in the perception of certain cultures and belief systems. An innate contradiction is that children have by definition not reached a sufficient maturity to enjoy the civil rights and freedoms of adults. The Convention gets around this problem by referring within such provisions to "the age and maturity of the child" (Article 12) and "the evolving capacities of the child" (Article 14).

➤ **The family and alternative care:** This area concerns the right to a name and nationality (Article 8); parental rights and duties (Articles 5, 18 and 27); protection from abduction abroad and illegal adop-

tion (Articles 11, 21 and 35); the right to family contact (Articles 9 and 10); protection from abuse and neglect and of children without families (Articles 19 and 20); and care for children with special disadvantages such as refugee children (Article 22), children in care (Article 25), and disabled children (Article 23).

➤ **Access to health and social welfare:** (Articles 24 and 26): In the context of health, definitions are kept as flexible as possible so that questions concerning mental health, reproductive health, and traditional practices prejudicial to health can be raised.

➤ **Education, culture and leisure:** (Articles 28, 29, 30 and 31): These areas concern the right to primary education, and to educational content which respects universal rights and freedoms; to respect for cultural diversity; and the right to play, to leisure and respect for cultural traditions.

➤ **Special protection measures:** This area concerns the rights of children to be protected from the effects of armed conflict (Articles 38 and 39); covers all the special needs for protection from exploitation, abuse, neglect and torture (Articles 32-37); and those measures taken to deal with children in conflict with the law (Article 40).

This framework partly reflects the Committee's determination not to divide economic/social rights from civil/political rights and to avoid any impression that there can be a hierarchy of rights; it also reflects the fact that the Committee's definition of 'manageability' for its working purposes can be expected to differ from that used by practitioners — such as UNICEF officers — whose primary responsibilities towards the Convention lie in its use as an overarching framework for advocacy and programming.

Some Seminar participants had difficulty with the notion that there could be no prioritization of rights as some are unquestionably more attainable than others and the practicabilities of attainment vary widely according to socio-economic, cultural and political settings. Some participants referred to 'pie in the sky' articles, although the use of the term 'aspirational' for any of the rights was frowned upon by Thomas Hammarberg. Article 29 on the aims of education was cited as idealistic and grounded in Western liberal values: clause (d) refers to the need to prepare the child "for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin". It was observed that in some political cultures, power is exercised for the purpose of controlling subjects; the notion of a free society in which power is exercised on behalf of citizens is far from universal.

Whether such rights are immutable or not, those involved in designing strategies to fulfil rights via programming and advocacy have to operate within the political culture in which they find themselves; political cultures dominated by ethnic or religious antagonisms are unfortunately becoming more, not less, common. Organizations which exist to run programmes are also bound to prioritize their work according to criteria such as the urgency and scale of need, available resources, organizational mandate and practical chances of success.

Survival Rights

The Convention on the Rights of the Child is unusual among human rights instruments in that it goes beyond stating the right to life — established in the 18th century as an 'inalienable right' together with liberty and the pursuit of happiness. Article 6 claims for the child not only the inherent right to life, but to survival — to be protected from dying from whatever life-threatening conditions are encountered over which humankind can exert control, such as infectious disease and organized violence.

As was pointed out to the Seminar by Leila Bisharat, who led the session on survival rights, the 20th century has witnessed a transformation in child survival prospects in developing countries. This has happened largely as a result of improved public health, especially the development of preventive health care technology such as immunization and oral rehydration therapy. This is the essential background to the setting of the Year 2000 Goals. Half a century ago, many of these goals would have been only just attainable by a modern industrialized state; in 1950, Britain had just reached the levels of infant and under-five mortality set as the global goals for

the year 2000. Today's availability of the technology and resources needed to provide elementary life protection to every child translates into a moral obligation to do so; thus are children's needs transformed by a historical process into claims, and thence — via the Convention — into rights.

In the recent past, much attention has been given by analysts of the development process to factors other than economic performance, as expressed by the gross national product (GNP), which enable countries to increase their population's level of social well-being. Some countries have exceptionally high or low rates of infant or young child mortality compared to their GNP, and these 'deviants' have illustrated the inadequacy of GNP as the exclusive, or standard, means of measuring human development. Other indicators, such as female literacy levels, can be coupled with high rates of child survival in relatively low per capita GNP countries; and surprisingly high rates of child mortality can be coupled with exclusion of women from school in relatively wealthy countries. Thus, any analysis of child survival prospects must take account of other factors besides national wealth; and the promotion of child survival will involve the promotion of other rights, such as the right to health care (Article 24) and to education (Article 28), in both cases respecting Article 2 regarding equality of access for sexes, races, and different ethnic and religious backgrounds.

The degree of determination a family or society devotes to actions to promote child survival will stem partly from their expectations, and from values associated with those expectations. In the industrialized world, parents' expectations regarding the survival of their children, even for highly premature infants or those suffering a life-threatening condition in their early weeks and months, have been transformed in the recent past. In other parts of the world, behaviours surrounding the newborn indicate that expectation of infant loss may still be relatively high. Participants described how, in parts of Africa, naming of a newborn is postponed for several weeks or months so as to avoid attracting fate's unkind attention; or names are given which attempt to trick God as to the child's true value: a boy may be given a girl's name, for example. In some societies a child that dies at or soon after birth is not counted as ever having existed.

Because most of the participants were already familiar with the interactions between infant and young child survival and access to food and preventive health care, much of the session on survival rights was devoted to areas they had not previously explored. Several participants emphasized the need under the Convention to revise the definition of 'child survival' which UNICEF usually applies. According to the CRC, a 'child' is someone under 18 years of age; therefore, although survival threats are greater to the infant and young child, the Convention demands that consideration also be given to the specific survival issues relating to the 5 to 18 age group.

The prevailing assumption is that, once past the age of greatest risk, young people's health and survival problems are adult-like; but evidence shows that there are distinct youth mortality patterns. These relate mainly to lifestyle (drugs, alcohol, accidents, sex-related illness and pregnancy), and violence (street violence, crime, warfare, domestic abuse). Survival risks to youth require analysis within a framework that takes account of immediate causes (such as suicide or overdose), indirect causes (such as dysfunctional families), and root causes (such as urbanization and poverty). Again, monitoring systems depend on situation analysis and interventions selected; youth and peer groups are potential monitoring partners.

A shift in perception about survival rights was advocated by Jim Himes. At present, child rights activists frequently ignore health, nutrition and education issues, focusing their efforts in the more traditional rights areas of child abuse, child labour and child exploitation. However, a rights approach to survival demands that activists examine health, education and other programmatic and service delivery schemes with a view to equity and non-discrimination: Which children are systematically being denied such services as immunization, pre-schooling or supplementary feeding, and on what grounds? The CRC should be an instrument for disparity reduction and the elimination of discrimination in the delivery of life protection services.

Finding out which children are currently falling through the survival net is self-evidently difficult where registration of infants and young children is inadequate. There was extensive discussion of the

rights to a name and a nationality, guaranteed by Article 7 in the Convention. These rights essentially refer to the child's assumption of an identity recognized beyond the family; without this official identity, the child does not exist at law. In some settings, particularly where a baby is not delivered in hospital but at home by a traditional birth attendant, a child's health or immunization card may be the first documented evidence of his or her existence. The registration of infants is important not only as a right and an aid to entitlements, but is also essential for the computation of accurate statistics and is the basis of all sound monitoring systems concerning child survival rates.

The implementation of Article 7 requires countries to put in place effective systems of registration at or soon after birth. This may prove complicated in remote areas; where children are formally regarded as illegitimate; or where parents are illegal immigrants and are forced to hide from the authorities. In Latin America, one third or more infants are not registered. Lack of registration makes it very difficult to keep track of infants who become victims of illegal inter-country adoption or trafficking. Surveys have been used in Egypt to check on the completeness of child registration. It has proved possible to identify population sub-groups, such as nomads, who do not regularly register their children. Immunization campaigns have sometimes been used to check on and improve registration.

Mongolia insists that parents, even in rural areas, register their children within two months of birth. Those who do not are fined an amount equivalent to 50 US cents. Most Seminar participants did not, however, favour penalizing parents as a method of improving registration. In Colombia, penalties are regarded as ineffective and instead social stigma has been applied. It was pointed out, however, that low birth registration has different implications in different settings. In the Philippines and Latin America, it might interact with trafficking and illegal adoptions, allowing these practices to remain undetected. In Mongolia, the implication of the under-reporting of births was that infant mortality would be under-reported.

Although other survival-related articles were not discussed in detail, participants pointed out that all the protection rights relating to economic and sexual exploitation, trafficking, abuse, neglect and servitude, all of which place the child's life and health in danger, are pertinent to child survival.

Development Rights

Article 6 of the Convention states that "States Parties shall ensure to the maximum extent possible the survival and development of the child". Ed Madinger, Programme Coordinator for UNICEF Bolivia and leader of this session, began his presentation by inviting Seminar participants to identify important rights relating to child development — physical, intellectual, psychological, moral and spiritual.

The right which collected the most participant 'votes' was the right to education; also highly rated were the right to an adequate standard of living, the rights of parents to support from the State in fulfilling child-rearing responsibilities, and the right to services such as health care. These choices underlined a central point made by Madinger: rights under the CRC involve the relationship between the State and the individual, whereas the same rights stated as needs do not necessarily imply obligations on the State.

As in the discussion on survival rights, the discussion on development rights pursued the question of equity and non-discrimination in access to services for child health, nutrition and education. In the past, 'health for all' and 'education for all' tended to be interpreted as the wider extension of services so as to embrace the poor and unreached. Once rights are brought into the perspective, the poor and unreached are no longer simply groups that one day will finally gain access to services; they are groups that should be actively identified so that they can become the target of affirmative action. They are likely to include such groups as girls, ethnic minorities, the disabled, and others who typically face discrimination in their access to services.

A very large number of articles in the Convention can be said to relate directly or indirectly to child development since the Convention is ultimately a document which describes in legal terms the ideal framework in which all children should grow up and make the transition to adult life. The right to 'development' can be equated with the right to a childhood, as many participants underlined. This, in turn, raises the

question of when childhood ends. The Convention specifies in Article 1 that a child is anyone under 18, unless "under the law applicable to the child, majority is attained earlier". In a few articles, the Convention states that rights should be fulfilled "in accordance with the age and maturity of the child" or refers to "the evolving capacities of the child". Thus the Convention avoids laying down age-bound rules by which children and adolescents shall be regarded as graduating from different phases of development. There is nothing about the minimum age of employment (other than that there should be one), or the age of school entry or completion, sexual consent or marriage. There is thus some ambiguity in the Convention about childhood and child development as the age range 0-18 includes many key adolescent and adult thresholds.

In some contexts, children whose rights are not respected are being made to abandon childhood prematurely — for example, leaving school too young and/or embarking on work or marriage too early. In other contexts — sometimes in the same environment — they are obliged to remain children for too long; for example, they are prevented from participating in society and their opinion is ignored. Both situations, which can exist side by side in the same society and even for the same child, represent opportunity losses in relation to child development; and the problem with child development is that if the learning of a particular skill, a certain phase of physical growth, or an emotional rite of passage is not undertaken at 'the right age', it may be very hard to catch up later on.

The balance between protecting the vulnerable young, and allowing the maturing child to learn adult responsibilities is critical to healthy child development. This balance varies from child to child, and views in this regard vary from parent to parent, family to family, and culture to culture. Many judgements about this balance are charged with cultural, social and personal values. Several participants cited the child's right to play (Article 31) as important for his or her development; others observed that too late a postponement of the assumption of adult responsibilities — too long a period of 'play' — deprives children of readiness for adult life. This applies even in the context of child labour; some West African societies, among others, believe in inducting children early into work and regard this as a social value. Thus, the fulfilment of children's development rights may clash with their cultural beliefs and practices — respect for which is also covered under Article 30 of the Convention.

If a family belonging to an ethnic minority chooses not to send a child to school because the school is dominated by majority language and customs, are they within their rights?

Alan Silverman

Children who have had their childhood curtailed and their development disrupted are, by definition, those in 'especially difficult circumstances'. Invariably, these are children whose families and societies have let them down. Security within the family and parental commitment to their children are the subjects of various Convention articles. The emotional claims of the child for nurture and love were also cited by participants as other important contributing factors to child development. No one disagreed; but it is clear that there are some elements of child development over which the Convention can exert little influence. The use of the law to regulate personal relationships in which emotional and affective ties are involved is notoriously unsatisfactory.

The following headings were agreed upon by Seminar participants to represent a manageable framework for addressing rights articulated in the Convention relating to child development: health, nutrition, play, education, standard of living, parental responsibility, work, care and disability. The principles of equity and non-discrimination should be borne in mind within this framework.

Protection Rights

A very important component of the Convention comprises those articles known as the 'special protection articles' which guarantee the child protection against physical, psychological or moral injury in the form of abuse, exploitation, abandonment or neglect; they also cover the child's rights to special protection in the context of war or forced migration, or in situations where the child is in conflict with the law or subject to imprisonment. They include 'protection from' — for example, drugs or sexual exploitation; and 'protection to' — for example, special entitlements to care where the family fails in its responsibilities.

The 'Special Protection' Articles

Articles 19-23

19. Protection from physical and mental violence, injury and abuse, neglect and negligent treatment, maltreatment and exploitation, including sexual abuse.
20. Protection for the child deprived of a family environment, or in need of protection from the family environment.
21. Protection from unauthorized or illegal adoption, or adoption against the best interests of the child.
22. Protection for children who are refugees or are seeking refugee status.
23. The right to special care, education, training and development for the disabled child.

Articles 32-40

32. Protection from economic exploitation and from hazardous work.
33. Protection from the use of narcotic drugs.
34. Protection from sexual exploitation and sexual abuse.
35. Protection from abduction, sale and trafficking.
36. Protection from all other forms of exploitation.
37. Protection from torture, cruel, inhuman or degrading treatment or punishment.
38. Non-participation in armed conflict, and protection and care in armed conflict.
39. Rehabilitative care for child victims of neglect, exploitation or abuse, torture or armed conflicts.
40. Provisions for children in conflict with the law and deprived of liberty under the law.

Jo Boyden, who led this session, is firmly committed to the belief that, even in situations which are not indicator-friendly, it is possible to develop research methodologies which allow programmers to diagnose situations correctly, set goals and establish monitoring systems. She identified the overall goals of protection as 'to provide for the fulfilment of the child's potential', and 'to protect the child when its best interests are threatened by others, through acts of omission or commission'. The framework within which the rights must be realized is one of primary obligation of parents towards children; of state obligation to assist parents in meeting their own responsibilities; and of state obligation towards children who have been failed by their parents.

Before setting participants the task of working through the process of situation analysis, establishing indicators and developing monitoring systems for protection rights, Boyden described some of the obstacles that the problems of monitoring pose. Foremost among these are questions of definition, as illustrated by research experience with 'street children'. Too often, the chief determinant of the situation of 'street children' has been regarded as one of location: the street. Their presence in the street has led to the false assumption that they are vagrants. Research has found that the vast majority of 'street children' live at home, and their presence on the street as workers in the informal economy is a symptom of family problems such as poverty, joblessness, poor living conditions and marital breakdown. The assumption that their main need is for shelter has been disproved by research; in some cities, more places in shelters are available than there are street child customers.

Another serious difficulty in monitoring children suffering from special disadvantage is that many of the CEDC issues are 'invisible': they are either difficult to capture via standard measuring procedures — household surveys, for example, reveal little or nothing about such problems as children in domestic service or prostitution — or the nature of their 'difficult circumstances' keeps them from view. This applies to children in family-run workshops and back-street factories, as well as those in domestic and agricultural occupations. Some of the issues are very sensitive, particularly where sexual exploitation or other illicit activities are involved. The children's

environment also tends to be very unstable. Families marginalized by landlessness or poverty often 'move on' in search of work, or migrate from countryside to town according to the season. Social workers may therefore find it difficult to maintain regular contact.

A technical framework for monitoring protection rights

Protection issue:

abuse and neglect

Indicators:

numbers of reported cases
legislative measures
suicides
teenage pregnancies
numbers of orphans
court cases

Research methods:

survey of child-care institutions
discussion with key informants
count of children on street at night
oral life histories of children
analysis of existing studies

Information sources:

social workers
midwives
courts and police
NGOs and churches
community groups
teachers
hospitals/health centres

Monitoring partners:

Government (ombudspersons, National Commission)
media
NGOs
youth groups

Boyden offered a technical framework for setting about the task of monitoring protection rights (see box). She suggested that a great deal of information is available if researchers are creative about finding and using it. Data about children in and out of school provide a useful window on child labour, for example. Household survey data can be used to extrapolate information about children in domestic service. Information published in the press might provide useful pointers to certain issues. However, there is a great danger in depending on anecdote rather than fact in relation to subjects which lend themselves to sensationalism: the trafficking of children for organs is an example of a subject over which there is more outrage than proof. A great deal of valuable work has recently been undertaken to develop innovative methods of participatory research; children and young people can themselves be enlisted in surveying and interviewing.

Above all, it must be understood that there are no universal indicators for analysing the situation of CEDC; indicators must be developed locally. Thus, the role of local partners — NGOs and research bodies — in identifying what to measure and how, and in developing their own monitoring expertise, is very important. Technical exchange between organizations and individuals interested in addressing the same issues will help; but there is no ready-made epidemiological framework for phenomena such as child labour or sexual exploitation. Finally, the process will inevitably take time and frustration will certainly be experienced.

Participation Rights

The most visionary group of articles in the Convention are those which defend children's 'participation rights', in that they indicate that children shall no longer be seen merely as the objects of actions on their behalf, but should be entitled to a voice in decisions affecting their well-being. These are also the articles which have proved most controversial. Some States have perceived them as granting too much power to children *vis-à-vis* their parents and society at large. Many cultures still do not regard children as free and independent beings with a right to their own say in affairs, but as minors subject to iron-clad control until they reach the age of majority or are married off. This control is exercised for 'the child's

good' — to keep him or her out of mischief and away from malevolent adult intent. Thus, the urge to protect the vulnerable and immature can clash with support for the child's right to make his or her own choices.

The articles concerned are those relating most closely to civil and political rights as they are normally understood in a human rights context. Ironically, the US, which played a forefront role in insisting that civil and political rights be included in the Convention, has been among the States in which opposition has arisen to the freedom of choice they offer to children. The relevant articles are Articles 12, 13 and 17, which assure children the right to express opinions, particularly in judicial and administrative proceedings affecting them, and to seek and receive information; Article 14 which guarantees children freedom of thought, conscience and religion (a stumbling block to ratification by some Islamic States); Article 15, on freedom of association and peaceful assembly; Article 16, which ensures the child's right to privacy; and Article 30, on the right to culture and language.

What does it mean for children to 'participate'? It means worth, self-esteem, life skills, solidarity, sense of security, education, responsibility, dignity, a sense of service.

Rita Reddy

For human beings above the age of majority, these rights can be passed into law and made enforceable; but for those below that age, legal implementation is less practicable. This is because when the child is too young to exercise these rights by virtue of incapacity, the parents or guardians do so on his or her behalf. Thus, according to the Convention, the exercising of rights depends on the age and 'evolving capacities' of the child — a formula open to the personal interpretation of every parent, teacher, social worker and judge. The only clear right to emerge is that of the child to have his or her views taken into account in custody battles. It thus turns out that those human rights which — for adults — are the easiest to implement by the legal and juridical process become — when claimed for children — the most elusive. They are the most difficult to define, to implement and to monitor.

The session on participation rights was led by Per Miljeteig, who identified the factors which affect the interpretation of these rights in different social environments. Among these are adults' perceptions of children, including their view of their capacities, responsibilities, and their right to 'be heard as well as seen'; the system of religious beliefs that operates in the child's family and environment; cultural practices, such as the practice in some societies of keeping girls secluded at home once they have passed puberty; traditions, such as that which holds that children have no right to speak out in front of their elders; and laws. Miljeteig also identified other articles in the Convention with which participation rights interact: Article 3 (the best interests of the child), those articles in which parental guidance and care responsibilities are laid out (Articles 5, 9, 10, 14, 18); and the articles relating to education (Articles 28 and 29) and protection from economic exploitation (Article 32).

The implementation of children's participatory rights has met with many problems. Peter Ebigbo of the Nigerian chapter of ANPPCAN (African Network for the Prevention and Protection of the Child from Abuse and Neglect) felt that this cluster of rights represents notions about childhood which the Convention tries to force on African culture. In his view, participation and freedom are gained with majority; that is what the graduation to adulthood is all about. If offered the choice, many children would not go to school and would choose to work; children should not be granted the right to decide such important matters on their own behalf. Meanwhile, at the other extreme, some child rights activists defend the rights of children — especially of street children — to set their own agenda entirely. Their argument is partly ideological, and partly based on the case that schemes work better if children participate in their planning and implementation.

The problem about child participation is that since children are by definition young, inexperienced and as yet under-skilled, there is a limit to what they are capable of contributing. There has undoubtedly been some over-romanticization associated with children's participatory rights, as though children were disenfranchised adults. But children are children. So questions inevitably arise about the degree of adult guidance required to make 'child participation' viable. Ideological extremists at one end of the argument suggest that any such guidance is equivalent to adult

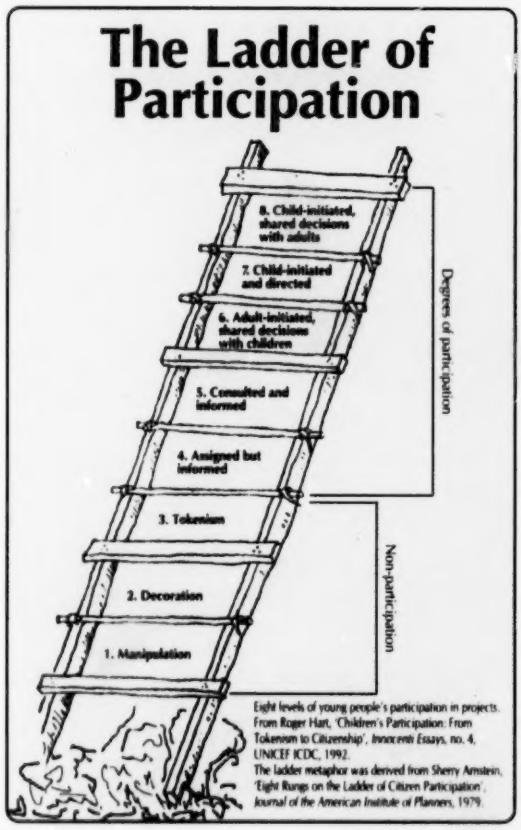
oppression; at the other end, firm adult authority bordering on oppression, is held to be a social good. In between are those who find no inconsistency between adult guidance and child participation; in fact, they may regard adult guidance as an essential component and a practical necessity. Some Seminar participants felt that the 'exercise of children's participatory rights' is simply fancy terminology for growing up and, in the process, gaining such qualities as self-esteem and a sense of responsibility.

Another problem related to definitions and capacities is that the natural limitations to what children can contribute — for example, to a conference on the monitoring of children's rights — often leads to their token participation. Many participants spoke out against tokenism, as exemplified by the presence of children on platforms at functions and events as decor or entertainment. Such ostentatious shows of children's participation can be yet another example of adult manipulation of children for some purposes of their own: for example, to illustrate their commitment to children's rights, or to promote a political agenda. On the other hand, the presence of children at the Earth Summit in Rio de Janeiro in 1992 was highly effective in reminding the Conference delegates that children would ultimately have to bear the consequences of the damage that today's adults are inflicting on each other and the planet.

Some children's events — such as a street children's congress in Bangladesh — have seemed at the time to be genuinely participatory. Certainly, to have provided street children with the opportunity to express their concerns and articulate their problems was extremely valuable. But failure to follow up on the agenda presented by the children in such a way that they experienced a real difference — for example, in their treatment by the authorities — made them feel later that they had been cheated. Yet are children's expectations of any quasi-political process likely to be realistic, given their relative lack of experience in life?

Participatory activity at school, in youth organizations or at special young people's events is likely to be much less confusing since these environments are tuned to the realities of childhood and youth; in fact these are the settings in which these rights are best exercised — not least because adults also feel more comfortable about their role. In the adult worlds of advocacy, legislation and programming, child participation is much more difficult to organize in a meaningful way.

An instrument for analysing the modes of child participation in projects and events is the 'Ladder of Participation', developed by Roger Hart, which provides a qualitative way of measuring the nature of 'participation'. However, it does not match the different degrees of participation with the important contextual differences of child-dominated and adult-dominated environments: family, school, youth club, children's congresses, NGOs, assemblies, and so on — a factor which constrains its applicability. More age-specific 'ladders' would also be useful.



Eight levels of young people's participation in projects. From Roger Hart, 'Children's Participation: From Tokenism to Citizenship', *Innocenti Essays*, no. 4, UNICEF ICDC, 1992.
The ladder metaphor was derived from Sherry Arnstein, 'Eight Rungs on the Ladder of Citizen Participation', *Journal of the American Institute of Planners*, 1979.

An eloquent argument in favour of child participation was presented by the video: *Raised Voices*. The cases explored in this documentary cover child participation at various levels of society, from the

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local to the international. They also cover a number of different rights, including freedom of expression, freedom of organization and the right to receive accurate information. In the first example, 200 children, all elected by their own child assemblies, attended a 'children's summit' in Capetown, South Africa, to help draw up a Charter of South African Children's Rights for their post-apartheid world. The second case showed a young American girl using her own experience of HIV infection to promote self-protection in sexual behaviour among teenagers. The third case explored the experience of a 'child to child' programme in the UK in which schoolchildren helped to improve street cleanliness in their Liverpool neighbourhood. Finally came the story of street children's assemblies in Brazil and their active involvement in the process of legal and constitutional changes in favour of children's rights.

Two striking examples of children exercising their participatory rights were cited by Seminar participants. The first was a radio programme called *Colourful Wall*, produced by children aged 6-16 and broadcast regularly from Sarajevo. This programme plays such an important role in the battered lives of its producers and listeners that it was described as their "life-line — a reason for living". Its value lies not only in boosting children's morale and self-esteem; it also builds community solidarity and support and has an educational function at a time when schooling is disrupted by the war.

The second example came from Mongolia. The end of communist rule led to the collapse of the former 'young pioneer' organization. The vacuum left was seen by Nordov Bolormaa of the National Children's Centre as an opportunity to create a new forum for children's expression. She therefore helped to orchestrate a new association of young people, which held a three-day 'children's meeting'. As a result, concessions were wrung by the children from the government: fare reductions on public transport, free entry to museums, and the creation of a Youth Federation.

In both of these examples, adults had initiated the activities, provided organization, funding and technical expertise, but this in no way detracted from their validity as examples of children's participatory rights in action. These examples, like those in *Raised Voices*, were all of programmes or events designed to maximize children's potential contribution at a level appropriate to their abilities. Adults' ideal role was that of facilitator: to guide but not to control unduly, and least of all to extinguish. The most common obstacle encountered by children — and one that most often inhibits their groping efforts to adopt adult mores and behaviours — is the uncompromising adult presence and its attachment to restrictive rules and regulations.

The session barely addressed the question of how participatory rights are to be monitored. Monitoring was perceived simply as advocacy for implementation. In the advocacy or watchdog context, organizations such as the Mongolian National Children's Centre and the Bangladesh Child Rights Forum play a role at national level, as does the Committee on the Rights of the Child at international level. Only two social planning indicators for participatory rights were offered: the degree to which respect for child participation is built into teacher training and is reflected in the school curriculum.

III. The Many Levels of Monitoring

Since rights are universal, monitoring, whether in the form of (watchdog) advocacy or measurement and social planning, needs to take place at all levels of society. In many contexts these levels will feed into each other. Some monitoring systems are designed in such a way that their product at village or community level — at a health centre, for example — can be computed into a national system so as to calculate the national prevalence of a specific disease and to document the progress of efforts to contain it. This is relatively straightforward when data is quantifiable; however, even in the case of more subtle, value-laden data, it should be a goal of every monitoring procedure to be able to use its results to fill out the picture of a problem and to compare it across communities and boundaries.

Thus, although the Seminar participants examined monitoring activity within three frameworks: sub-national, national and international, they were aware that levels need to interact and information needs to flow in many directions. They were also conscious that many significant discrepancies exist within these administrative entities. 'Sub-national' could include an Indian or Nigerian state with several million inhabitants as well as village or slum communities. 'National' includes large, federated States such as India or China with hundreds of millions of inhabitants, as well as Pacific and Caribbean islands with no more than thousands. In federal States, the distribution of power between the centre and the periphery may mean that the state rather than the central government is the critical policy agent. Finally, at international level there are a number of regional and sub-regional entities — the European Community, Organization of Africa Unity, South Asian Association for Regional Cooperation, Organization of American States and the Arab League — at which advocacy may be directed.

Emilio García Méndez, UNICEF Regional Advisor for Child Rights in Latin America, made a challenging statement on the need to integrate watchdog monitoring at the various levels within a juridical framework. In his view, the basic difference between the concept of rights and the concept of needs is that rights are exposed to juridical norms and the juridical process can be brought to bear on their fulfilment. It should surely be possible not only to activate the political process on behalf of economic and social policy change, but to underpin those policy changes which improve the quality of children's lives legally and constitutionally. He cited the case of the Brazilian Constitution, in which the phrase 'absolute priority' is used only once, in regard to meeting the needs of children. It is thus possible to argue that expenditures on, for example, health care must take precedence over infrastructural projects, and — at least theoretically — a dispute between party x and City Hall on such an issue could be taken to court.

Many Brazilian mayors want to build, for example, a bridge. People have said: this is not an absolute priority for children. Until we have schools for all children in the municipality, no bridge.

Emilio García Méndez

García Méndez also suggested that 'monitors as watchdogs' without legal teeth are pretty feeble creatures. He believed that monitoring — with legal teeth — should be embedded in the concept of public policy. Public policy and government policy are not interchangeable concepts; public policy should be a combined product of government and civil society, which is often not the case even in countries with nominally democratic systems of government. Thus, advocacy should include support for the creation of bodies responsible for elaborating and monitoring public policy, composed of government and civil society in equal proportions, and having not only consultative but also juridical status. Ways must also be sought to clothe international human rights monitoring in some juridical garments, perhaps by the pursuit of legal actions on behalf of children at regional Courts of Human Rights.

A number of participants, especially those from Africa, did not accept that the need to look to a juridical framework was overriding. This might simply be impracticable in many settings where public policies cannot be defended in the courts; and where, indeed, the rule of law is still making slow progress against the rule of culture and tradition.

Monitoring at the National Level

The discussion on monitoring at the national level explored the role of the national entities entrusted with implementing the CRC and reporting to the Committee on the Rights of the Child. The discussion was therefore mainly concerned with monitors as watchdogs, including the role of national bodies in watching over the data-gathering process relating to children's needs

and children's programmes. The types of entity selected or set up by States Parties for the implementation and reporting process were briefly reviewed, as were their partnerships with NGOs and the main types of activities undertaken.

Two presentations were made of positive country experiences from Vietnam and Egypt. A brief presentation was also made about the lack of progress in Nigeria, where the responsible monitoring body is in limbo due to its entanglement in the political struggle currently absorbing the country. Kunio Waki drew philosophical lessons from this sorry state of affairs, but there were few to be learned about monitoring the Convention, except perhaps the undesirability of the First Lady playing a major role if her husband might suddenly, and reluctantly, lose office.

Political turmoil is very unpleasant. But even in the midst of uncertainty, life goes on and parents raise children successfully. For development and the pursuit of rights, it is important to build on the best traditions in society.

Kunio Waki

The case of Vietnam

Bertil Lindblad, UNICEF's Senior Advisor on CEDC and former representative for Rädda Barnen in Vietnam, described how the first Asian country to ratify the Convention had tackled its reporting responsibilities. For this purpose, the Vietnam Committee for the Protection and Care of Children (CPCC) was designated the official government body with ministerial status. UNICEF was responsible for assisting the CPCC in interpreting the reporting guidelines provided by the Committee, and conducted a workshop on data-gathering and analysis, legal aspects, report writing, and the functions and mandate of the international CRC Committee.

Between the time that work began on the report in April 1992 and the preparation of the final version for a deadline of September 1992, a consciousness-raising process had occurred which transformed the prospects of effective CRC implementation in Vietnam. The first draft of the report had consisted of a listing of Vietnamese laws related to children, a section on health and education statistics, and brief descriptions of services and their shortcomings. Through a process of consultation, assistance from the UNICEF workshop and from other technical advisors, the report gradually took on a completely different character, much more in keeping with the Committee guidelines. The involvement of Rädda Barnen prompted the inclusion of CEDC topics, many of which had previously been taboo.

The final version of the report showed a willingness on the part of the authorities to be open and frank concerning social problems, and in this new climate some local NGOs emerged — a phenomenon new to Vietnam. This experience illustrated how the process of State Party reporting on the Convention could genuinely foster a dialogue leading to significant changes in policy and to new attitudes among officials towards children's rights.

The case of Egypt

Professor Said El-Dakkak outlined the experience of Egypt. Although the Convention was ratified without reservations in mid-1990, some feelings of hesitation remained regarding its content in various Egyptian milieux: religious, parliamentary, and in faculties of law. Political commitment to the Convention at the highest level of government was illustrated by the allocation of its implementation to the National Council on Childhood and Motherhood, a body presided over by the First Lady, Mrs. Mubarak. In this positive political climate, concerns that some parts of the Convention might contradict moral and religious principles well-established in Egyptian society could be tackled by a process of advocacy. NGOs, academic bodies and lawyers' organizations were able to address these concerns via roundtable discussions, conferences and explanatory studies. As a result, hesitations about the Convention were dispelled. The CRC has now been introduced into the curriculum of the Faculty of Law in Alexandria University.

The achievements of the National Council *vis-à-vis* implementation of the Convention have been significant. Legislation was prepared based on the principle of 'the best interests of the child'. For the first time, this step allowed the courts discretion over whether the father or mother should have custody over a child instead of using an arbitrary formula: below age x, with the mother, above this age, the father. Protective legislation concerning child labour

has also been introduced, as well as landmark legislation and judicial procedures covering children in conflict with the law, based on a corrective and rehabilitative, rather than a punitive, approach. In the field of social policies and programmes, many challenges remain outstanding; nonetheless accession to the Convention has allowed a new vision of Egyptian childhood to develop, and has generated social and governmental commitment to that vision.

Monitoring at the Sub-regional and Sub-national Level, Including Municipalities and Communities

Sub-regional monitoring

Marjorie Newman-Williams, UNICEF Representative in Barbados described the complications of monitoring children's rights in a sub-regional setting. Fifteen countries, almost all independent, with populations varying from 2.5 million (Jamaica) to 12,000 (Montserrat), fall under her UNICEF jurisdiction. This group of small island countries shares common characteristics of language, history, and educational and legal systems, and has developed shared institutions such as the University of the West Indies, the Caribbean Council of Churches, CARICOM and the Organization of Eastern Caribbean States.

These sub-regional bodies have been useful vehicles in promoting the ratification of the Convention. Newman-Williams spoke of the importance of building on existing mechanisms: for many countries, peer pressure has played an important role. Since many of the ways in which children in these countries do not enjoy their rights are similar from country to country, subsequent action — such as legal review and the promotion of law reform — may be done on a shared basis. This is especially important for very small States whose capacities and resources are limited. To help them with their States Party reporting process, some modification of procedures is currently under discussion.

The quest for indicators has taken a particular form in the Caribbean. For example, if an infant survives beyond seven days, he or she tends to survive. Thus there is no continuing imperative to collect statistics relating to the under-five age group. But once past pre-school age, children disappear from the database. And the chief problems of children begin to arise in the pre-teen and adolescent age groups. There are high rates of educational drop-out in between primary and secondary school. And this is the time — 10-14 — during which drugs, violence, AIDS, teenage pregnancies and social alienation begin to appear. UNICEF is therefore much concerned with identifying ways of monitoring what is going wrong for this group of youngsters.

One problem in implementing those provisions of the CRC which have to do with state support to the family in fulfilling its responsibilities to children is how to define 'family'. In Jamaica, 30 per cent of children grow up in families where one or both parents are not present. These are children born to very young mothers, who are raised by grandmothers, aunts, and other female relatives. Thus it is not easy to define who is to fulfil the 'parental' roles. Meanwhile, one longitudinal study, which followed children born to adolescent and older mothers over a ten-year period, found that there was no difference in life expectations or outcomes. The only differential finding was that children who maintained a relationship with their father did better in school.

Another anomaly is that girls do not suffer the disadvantages familiar in Africa and Asia. A much higher percentage of girls complete primary school than boys: the entry grades for secondary school have to be weighted against girls in order to ensure that 50 per cent of places go to boys. Nearly 70 per cent of graduate degrees for the professions are gained by women; yet social codes are still patriarchal, so that male children receive more care and male workers tend to be more employable and better remunerated.

Sub-national monitoring

Mireille Roccatti Velazquez, President of one state-level Mexican State Commission for the Protection and Defense of Human Rights, then presented to the Seminar a paper outlining the experience of Mexico. The Federal Government, which ratified the Convention on the Rights of the Child in 1990, protects children's rights under Article 133 of the Federal Constitution; but each independent and autonomous state within the federation has its own constitution and local laws, and therefore its own responsibilities for children's rights and programmes of action. The last three years, following the World

Summit for Children and the development of the National Programme of Action for the child, have seen a major thrust in policy and resources towards improvements in the conditions of childhood in Mexico. A special effort has been made to allocate resources to social sectors and locations that deserve priority. Preventive health care has been emphasized, as has educational modernization; a solidarity programme has been launched for deprived urban and rural zones, as well as a special assistance programme for child victims of poverty, ignorance, alcoholism and violence. In 1993, resources provided by the federal government for these efforts increased by 127 per cent over those provided in 1990.

In January 1994, the Mexican Government presented its first report to the Committee on the Rights of the Child. A number of recommendations were subsequently made by the Committee. These included: closer cooperation with NGOs; creation of a monitoring system of children's rights; training of law enforcement officials; establishment of a complaints procedure for children; launching of an educational campaign against violence; stepping up protection measures for children deprived of their liberty, street children and seasonal child workers; greater attention to marginalized and indigenous rural children.

In response to these recommendations, the Mexican Federation of State Commissions for the Protection and Defense of Human Rights undertook to do the following, through its member bodies: spread information about the CRC, and intensify training of local Human Rights Commissions to implement the Convention; develop coordinating mechanisms between government bodies and NGOs; solicit the support of international agencies such as UNICEF to create a culture of respect for children and their rights; remedy social injustice by promoting non-discrimination where it occurs; invite NGOs and public bodies to propose legislative initiatives to synchronize Mexican laws with the provisions of the Convention and to provide better protection for young offenders.

Community-level monitoring

To illustrate the possibilities of monitoring at community level, Rita Reddy, UNICEF's Senior Advisor on CEDC in the East Asian and Pacific Region, presented examples from Indonesia, Thailand and the Philippines. All of these systems involved the collection of data by families and communities about their situation; for example, immunization coverage, family planning acceptance, children out of school, housing and sanitary arrangements, and membership of savings schemes or other

Community-level monitoring in Thailand

Basic needs	Indicators
1. *Food, hygiene*	Growth monitoring Birth weight
2. *Housing, environment*	Housing quality Garbage collection Latrine Clean drinking water
3. *Access to social services*	Immunization Primary school enrolment Literacy Pre-natal care Trained midwifery
4. *Security of life*	Security
5. *Agricultural production*	Use of fertilizers Use of pesticides Livestock husbandry
6. *Family planning*	Use of contraception
7. *Community participation*	Group membership Protection of resources Maintenance of public property
8. *Moral development*	Abstinence from alcohol Participation in religious events

community groups. In Thailand, villagers collect data for 32 indicators relating to eight basic needs (see box), which are analysed at village level, and progress towards established goals is monitored. Some participants underlined that this voluminous and sophisticated level of activity would be impracticable in many settings, especially where literacy skills are limited.

An important question arising from community-level monitoring activities is: Who and what are the communities engaged in monitoring themselves for? To supply data to researchers, or for purposes useful and comprehensible to themselves? A monitoring workshop conducted by a team from Nairobi University in a Masai village was cited — the lists of indicators left these pastoralists utterly bemused. In the Philippines, the monitoring activity is designed to have a mobilizing and empowerment effect. The number of indicators are kept to the minimum: three core indicators for national data-gathering purposes and five indicators which allow the community to identify their own problems and take appropriate action.

The empowerment of villages and slum communities to monitor their own situation and become their own policy makers and service delivery agents — with some technical and financial inputs from outside — has become part of the new programme orthodoxy, especially in Asia. However, there may be risks in allowing power over statistical information and analysis to be released by the centre. If reliable and comparable data is not collected nationally and internationally, social analysis, policy making and goal-setting at national and international levels will be the poorer and efforts to reduce disparities within countries will be hampered.

Monitoring at community level needs to be perceived as something integral to daily life and work, not some kind of esoteric extra which serves purposes obscure to those carrying out the functions. Information can be used for repressive purposes: data-gathering may be regarded with suspicion. The value of monitoring therefore needs to be thoroughly explained and 'sold' at local level. Finally, attention needs to be given not only to the data-gathering process, but also to its management and analysis, as well as to the need to make it widely available and comprehensible to those who can use it.

The use of video for monitoring

One unusual monitoring tool used by anthropologist Heidi Larsen, UNICEF Programme Officer for Social Mobilization in the Pacific, is the video camera. Her thesis is that visual information is a useful supplementary form of data, especially on social attitudes, which may not emerge strongly from written questionnaires. Video items can also be used to bring into the open sensitive issues about which there may be strong social denial. For example, at a Pacific meeting run by the South Pacific Commission, *First Call for Children*, a video case study on child abuse had shocked delegates into recognition that this was an issue that needed to be addressed. Video can catalyse discussion, build participation, and may be used to capture personal testimonies and oral histories.

Monitoring at the International Level

This topic led the Seminar to further consideration of the activities of the Committee on the Rights of the Child. Marta Santos-Pais of Portugal, one of four lawyer members of the Committee, gave a wide-ranging presentation which elaborated some of the points made earlier by Thomas Hammarberg.

Santos-Pais had just attended a Congress on the Rights of the Child in Morocco, the end-product of a nation-wide survey on the situation of children. Attendance of Committee members at occasions of this kind enables the Committee to make itself visible and explain its mandate; it is also beneficial to members in that it enables them to have some first-hand experience of countries' implementation efforts and to make comparisons. However, the Committee remains aware that it should not allow itself to be manipulated by governments trying to demonstrate their commitment to child rights by its presence; nor be unwittingly used by NGOs trying to score points against the government by inviting the Committee to act as their mouthpiece.

The establishment of a permanent body in a given country to monitor child rights is constantly advocated by the Committee. In this context, the recommendation of the World Conference on Human Rights in Vienna in 1993 that the CRC should be integrated into National Programmes of Action for the Child has been extremely helpful. The important role of NGOs is also constantly

underscored. In countries with large numbers of NGOs, reflecting a wide spectrum of interests and ideologies, it is important for the NGOs to have their own coordinating body — or bodies — so that their contribution — whether to the national process of implementation and monitoring, or to the international — is not diffuse, contradictory or impossible to handle.

One of the main challenges to the drafters of the Convention was to maintain universality, while at the same time taking into account diversity of cultures, beliefs and traditions. The extraordinary pace of ratification demonstrates how successfully a reconciliation has been made between establishing a universal set of standards regarding childhood, and at the same time allowing room for local interpretation. Santos-Pais told participants that the challenge to the Committee remains that of making sure that 'local interpretation' is not allowed to become a pretext for failing to respect two of the Convention's core principles: non-discrimination and 'the best interests of the child'.

IV. Partners and Allies: the Wooed and the Wooable

The potential of the Convention on the Rights of the Child can only be realized with the help of partners and allies, as observed by Per Miljeteig in his opening presentation on their role in the monitoring process. A 'broad coalition for children' includes communities, families and children themselves; NGOs and other organized expressions of civil society; the media and the private sector; ombudspersons and similar watchdog bodies; government entities responsible for policies, budgetary allocations and development plans; the judiciary, legislature and law enforcement sector; universities and research organizations; and international bodies including UNICEF and NGOs. Among these many potential allies, the Seminar selected three groups to examine in particular: NGOs, the research community and the media.

NGOs: Allies and Irritants

Miljeteig reminded the Seminar that NGOs have a close involvement with the historical evolution of children's rights. The idea that children have a special claim on society and, by implication, on governments was developed by an Englishwoman, Eglantyne Jebb, during and after the First World War. Under her influence, a Declaration on Child Rights was promulgated in 1923 and approved by the League of Nations in 1924. Since that time, there have been major evolutions in the field of human rights, including the creation of a body of international instruments and the growth of activist organizations.

A number of international NGOs were very committed to the development of a Convention on child rights in the early 1980s, at a time when there was much less enthusiasm among intergovernmental organizations such as UNICEF. Indeed, their success in creating public interest in the Convention and pressing for the drafting and circulation of the text was critical to its content, and to its adoption in 1989. The NGO Group on the Convention has since been actively involved in promoting its ratification and has followed closely the work of the Committee on the Rights of the Child. This group of international NGOs has developed an international network of national coalitions, and assists national NGOs in channelling information to the Committee.

The roles of NGOs in monitoring are various: fact-finding at country level; conducting investigations and issuing reports; informing and educating the media and public; lobbying parliamentarians, and — where applicable —private business organizations (for example, over manufacturing which involves child labour); and in contributing to the preparation of States Party reports, or in the preparation of 'alternative reports' where they have felt excluded from the reporting process (as in the case of the UK). Most of these activities coincide with the concept of 'monitors as watchdogs', but a number of NGOs are also becoming more closely involved in research. This applies especially to small-scale studies on hidden or sensitive issues, such as children in domestic service or in bonded labour.

In the view of Miljeteig, the role of NGOs *vis-à-vis* child rights has been highly constructive. He recognized that the behaviour of some NGOs could be a cause of irritation: they might be lacking in professionalism, poorly informed and on occasion questionably motivated. But he felt that they are a vital part of the democratic process — in some countries of the developing world they have been the vehicle whereby a democratic process has emerged. NGOs that are not credible or are insincere would, he believed, eventually be forced out of the picture. At the same time, it is true that in some countries, NGOs that have thrived — often courageously — in their role as critics of the old order have not yet worked out how to perform effectively in a collaborative relationship with governments now stumbling towards democracy.

> *Democracy as a culture has to grow over time. We talk as if it was a microwave oven, and you just put the society in.*
>
> Gaby Fernandez

In response to participants' concern that the concept of NGO under review was very limited, and did not embrace — for example — trade unions, professional associations, employers' groups and political parties, Miljeteig agreed that a revision of the term is overdue.

An organization which actively supports child rights internationally and is one of the leading members of the NGO Group on the Convention is Swedish Rädda Barnen (Save the Children). Eva Geidenmark of Rädda Barnen gave an account of its child rights activ-

ities. Like the other 24 autonomous organizations in the International Save the Children Alliance, the CRC is the basis for all Rädda Barnen's programmatic and advocacy work, which is normally undertaken in partnership with local NGOs. The three target groups on which the organization focuses are: street and working children, children affected by organized violence, and refugee children. Within each of these groups, the disabled are also a special focus.

Where national child rights coalitions exist, these are key partners for Rädda Barnen. Through these bodies, they may provide training for NGO personnel, lawyers, police, market vendors, or other appropriate groups. They may lobby for legislative changes to reflect CRC provisions; also for the creation of a children's ombudsperson. They may conduct publicity campaigns about the Convention. In many cases, the need to provide a concerted input into the States Party report on the Convention has inspired the setting up of a coalition; they also play a role in following up on the Committee's concluding observations.

The role of the international NGO *vis-à-vis* these efforts is one of facilitator and promoter of the exchange of information and experience. Rädda Barnen may provide space for meetings, help establish the agenda, provide technical assistance in the form of training, and organize seminars on issues relating to children's rights. The promotion of children's participation in these coalitions is an issue currently under consideration.

Recently, Rädda Barnen conducted a 'survey of surveys' to find out what kind of research is being undertaken by local NGOs and what kind of monitoring indicators they are using. The survey showed that very few indicators in any area other than health and education are being used. This has led Rädda Barnen to formulate a project for building research capacity among local NGOs, and training will shortly begin, starting in Ethiopia. The methodology will include the use of drama, plays and drawings to elicit information which will help create an understanding of the situation of vulnerable groups.

The Seminar attached a high level of importance to NGOs' role as monitors, especially in the sensitive areas of child protection and participation. Their close proximity to children in need also gives them the access needed for data-gathering. NGOs are becoming gradually more involved in research, for example, on children in domestic service or in prostitution. In such areas they perform a vital frontline and supplementary role to that of the formal research community. Even in the survival and development context, NGOs may be better placed and better informed than governmental bodies on special groups of children in distress, such as children in AIDS-affected families, children with disabilities, child victims of armed conflicts and of natural disasters.

The Research Community

Four types of data are needed as part of 'monitoring as measurement': baseline data, progress data, early warning data, and evaluation or impact data. In response to the Committee on the Rights of the Child's request for technical assistance, Childwatch International is currently pursuing the quest for indicators in all these areas. Per Miljeteig believes that it is possible to develop a scientific method of identifying indicators, and hopes to draw on the expertise of the Children's Rights Centre of the University of Gent to design widely applicable research frameworks.

Another problem to which attention should be given is that children are often invisible in public statistics. For example, data is collected about the number of adults who are divorced, but it is not collected in such a way as to determine the proportion of children with divorced parents, or the number of children living in families with children who are not their own siblings. Data-collection methods are not child-centred.

Another type of contribution from the research community was cited by Dr. Said El-Dakkak. In Egypt, the Faculty of Law at Alexandria University organized a meeting with Islamic and Coptic leaders and scholars to help overcome their doubts as to whether provisions of the Convention were contrary to the precepts of their respective faiths. They have also conducted workshops with judges, lawyers' associations, and social workers, and have instituted a prize for theses associated with children's rights at graduate level.

Peter Ebigbo, Professor of Psychological Medicine at the University of Nigeria, and Chairman of the

Child Welfare Committee of Enugu State and President of the Nigerian Chapter of ANPPCAN, described how the starting point of ANPPCAN had been to discover what the concept of child abuse and neglect meant in the African context. In 1987, chapters were set up in various regions, and the main thrust was awareness- and capacity-building among the membership. Like other NGOs, ANPPCAN engages in documentation and research, and uses this information for advocacy with government and for public information.

The work of AsiaNet, a centre which specializes in the promotion and protection of child rights in Asia and the Pacific, was presented to the Seminar by Kamalinne Pinitpuvadol, AsiaNet's Director. The centre was created at the end of 1992 by the Faculty of Law, Chulalongkorn University in Bangkok, the International Law Association of Thailand, and UNICEF to provide a regional exchange network for all those organizations working on child rights. The range of its monitoring activities includes information-gathering and dissemination, the organization of seminars and training programmes, and the enhancement of research. Children in conflict with the law has been a special area of focus, both as a subject of research and through training programmes conducted for the police and law enforcement personnel throughout the region.

Whether in the local situation or at the global level, the research community should be challenged to bring new methods and skills to their work. NGOs, on their side, bring special expertise to child protection and participation issues, but their capacity for research needs to be strengthened. Participatory research approaches, including child-to-child, were recommended.

The Media

A thought-provoking presentation on the role of the media in monitoring children's rights was made by Iain Guest, a journalist specializing in human rights and UN issues. He focused on the international media, especially the Western media, which set the agenda for global reporting on both children's issues and human rights. Their perspective on rights is governed by the traditional concept of rights, namely questions of individual liberty and the pursuit of democratic freedoms such as freedom of speech.

A fundamental question Guest posed was whether the recasting of children's fundamental needs as fundamental rights helped or hindered their chances of international media coverage. The way issues are reported in the media reflects how they are perceived by the public at large; in the case of the international media, coverage reflects Western attitudes and values. Although issues such as street children, child abuse, children in prostitution and in conflict with the law receive extensive coverage, stories and television documentaries on these topics are very rarely couched in terms which reflect any consciousness of rights having been violated. The emphasis is on children's survival needs, on cruelties inflicted on children, and — occasionally — on the negative impact on children of public policies or social trends. The term 'child rights' rarely occurs, even in the context of dramatic and sensational accounts of protection issues such as 'child slavery'. Still less does it occur in the context of stories about malnutrition.

In tandem with the problem of whether it is possible to convey widespread malnutrition or the use of infant formula as an invasion of children's rights runs a converse problem: once the reference point of an issue is an abuse of rights, journalistic expectations are of protests and admonitions. An organization such as UNICEF basing its information and advocacy activity on rights will have to face the problem of engaging in controversy. The media, especially the Western media, is the kind of watchdog which has both a bark and bite. Tension is the stuff of journalistic exposure: it usually provides the 'peg' — that mysterious ingredient of any story vying with others in a competitive market of reported news. The effort to portray the implementation of child rights as a gradual and organic process pursued through collaboration with government cuts across these dynamics. Organizations which talk rights, and do not themselves admonish rights violators, lack credibility with the media.

Like it or not, the Convention is part of a system which has little credibility. What worth are Conventions if they are violated routinely and cynically?

Iain Guest

These differences of vision regarding rights explain why the Convention on the Rights of the Child has not received much attention in the international

media, and why the work of the Committee on the Rights of the Child has not been newsworthy. Considerable effort has been undertaken by UNICEF to obtain media coverage of country reports to the Committee, and of the Committee's dialogue on a given report with government representatives — notably in the case of France. The results of these efforts have proved disappointing. The gulf between the two sets of perceptions about children's rights, their infringement, and the nature of the States Parties' reporting process has so far proved unbridgeable.

Another set of contradictions arises around situations of mass violation of children's rights, such as in former Yugoslavia or Rwanda. These do not receive coverage as children's issues because children are only one — if the most vulnerable — subgroup of those in difficulty. Other organizations with different mandates — emergency relief, refugees, human development — may exploit the appeal of children in their publicity. This sidelines UNICEF's and the Committee's more focused set of concerns and reduces their role as **the** international spokespersons for children. Is the Convention a suitable basis for protesting, for example, mass removals of the population for ethnic cleansing, city renewal, or dam construction reasons? If it is not — and its use in impracticable protests may weaken it as an instrument — then the claim that children's rights are at the cutting edge of human rights is difficult to uphold.

Guest made various suggestions on improving relations with the media. The first requirement is to understand better their reality and be more professional about serving their needs. He made the point that the international media cannot necessarily be looked upon as partners. They are highly independent, their agenda does not necessarily coincide with UNICEF's or with the child rights agenda pursued by the Committee; they cannot be co-opted. Working with them requires compromise and recognition of where common ground can, and cannot, be delineated. However, the media has a voracious appetite for good data, predigested information with newspeg angles, and imaginative treatments of well-tried themes; by these means opportunities can be created to promote and enlarge the child rights debate.

A newsletter on the Committee's activities and backgrounders on thorny subjects might help overcome the previous failure to present its work in ways that reporters and editors find attractive. Journalists' confidence should be built up by openness on controversial issues and by being prepared to take the heat on occasion — as, for example, UNHCR has done in former Yugoslavia. Information staff should be encouraged in this direction and allowed room for independent manoeuvre. Even if risks are entailed — of antagonizing governments or other UN bodies — ways should be found of speaking out, perhaps by appointing persons of international stature as the child rights equivalent of 'goodwill ambassadors'. Finally, a database would help make information more accessible and usable.

Various points were added by Mehr Khan, UNICEF's Director of Information, including the need for preparatory digests to be made of States Party reports, perhaps with the aid of UNICEF country offices. Building up the interest and knowledge of journalists over the long term may have a more fruitful outcome than, for example, banking on the marketability of reports for one-time stories which fail to come off. A network has been created between Scandinavian and South Asian journalists; a similar effort is now to be made between journalists in Francophone Africa and in French-speaking countries in Europe and North America.

Further discussion revealed some important differences between the way children's issues and rights issues are reported in different national settings. The values which dominate international reporting are particular to the Western media culture. In Mexico and Guatemala, coverage of child rights is not a problem; and in Bangladesh journalists are hungry for stories about children and frequently couch them in terms of child rights. However, in many developing countries the media does not enjoy the same freedoms as their counterparts in the West, nor does it invariably assume the voice of informed dissent in the context of public policy. Encouraging and 'training' journalists to take on the role of a countervailing force in the public policy arena was suggested by various participants; but 'training' must take the form of orientation to issues, not an attempt to tell the media what to report.

UNICEF Representatives agreed that an open and trusting approach to the media was desirable — despite

the occasional misquote or unfortunate headline. Visits by journalists to projects should be supported by UNICEF country offices, especially as local journalists rarely have transport with which to get out and about. Some countries used the Situation Analysis — suitably digested — as a consciousness-raising tool among the media. Other participants talked of the use of visual materials, including cartoons, and of special initiatives for creating more air time for children's voices: children are often their own best advocates. In India, a network of journalists interested in child rights issues is being fostered by UNICEF.

In summing up, Mehr Khan reiterated that the implementation of children's rights is a complex process — far more complex than the ratification of the Convention; that this process will take time, and will need strong public support. Thus, work with the media via all networks — television, radio, newsprint, computer networks — is well worth the effort. Contacts at all levels should be cultivated and their need for information, for its interpretation, and for the facilities to cover subjects, should be served. Finally, a clear policy is needed on media relations to help UNICEF Representatives and others deal comfortably with the media in the more confrontational climate that the transition from needs to rights implies.

Databases and Computer-based Networks

The new information technology which allows people around the world to access instantaneously up-to-date information via their computer screen, or to engage in a dialogue via electronic mail, has far-reaching implications for policy development and practice connected to children's rights as well as to other areas of UNICEF concern. Therefore, one session of the Seminar was used to examine the state of the art relating to databases on child-related issues.

Patricia Light of ICDC in Florence described how it had been impracticable to meet ICDC's library and documentation needs by setting up a major collection of materials; and how, instead, the Centre's policy has been to gain access to information via a combination of traditional library services plus on-line connection to external databases that already exist. The Centre now has access to bibliographic databases which brings within reach a staggering 290 million records. However, while this access provides good results for certain subjects — such as development economics — the outcomes are less satisfactory in the context of many children's issues and child rights. Only a few areas —education, child labour and intrafamilial abuse — seem well represented in database bibliographies.

This apparent dearth of information partly relates to the fact that as a social group, children are rarely represented in demographic statistics. They are counted, where they are counted, mainly in relation to adults. ICDC believes that the lack of child rights database information also reflects a lack of studies and published information; and the existence of information — generated by NGOs, for example — which is not entered into databases. In 1992, the Centre began to work actively on how to remedy the weak presence of children in databases, reinforced by the need expressed by the Committee on the Rights of the Child for an information system which would help it to carry out its own work.

In 1993, surveys were held to determine the information-handling capacity relating to child rights within intergovernmental organizations such as UNICEF and selected international NGOs. Howard Dale, UNICEF's Geneva-based Information Resources Management Officer, elaborated on the results. Among intergovernmental organizations, a variety of methods of information-handling exists, and information about children's rights is only collected as a by-product of other activities. Among NGOs, relatively few were found to have computerized documentation centres, and a small number (28 out of 315 respondees) have a database. Thus, systems of information handling in most NGOs are primitive. Among all the children's organizations surveyed, only UNICEF appears to be in a position to act as a catalyst in developing appropriate information networking systems to serve the wider community involved in child-related activities.

Dale suggested that, at present, the creation of one mega database on children's rights seems unlikely; the aim instead is to encourage partner organizations to develop their own databases, learn how to handle information better, use computerized conferences and bulletin boards to share information, and develop a network of 'collaborating centres'.

Key members of the child rights community have become convinced of such a network's potential value. Preliminary work is underway to develop and field-test common terminology and other information-handling tools. Once the network has been inaugurated —in late 1994 — it is hoped that a main side-product will be to improve the capacity of NGOs in the child rights area to handle information and share it electronically with others.

Dale then gave a demonstration of 'Childnet', a telecommunications and database system set up by UNICEF. Childnet services include electronic mail, electronic conferencing, and access to the full text of entered documents. There is also access via Childnet to Internet — the 'information superhighway'. At present, the amount of information on Childnet is limited as is the number of users; but it takes time to build up a new database into a fully-fledged service.

V. Monitoring Child Rights in Emergencies

Emergencies, by their nature, pose special problems for the monitoring of children's rights. Not only do the problems of accurate data-gathering become acute, but the political climate surrounding any emergency is highly charged. In a civil war and in inter-ethnic conflicts, social cohesion is destroyed and government and state disrupted. Truth, as the saying goes, is 'the first casualty'. Information of any sort has a propaganda potential and becomes difficult to take on trust: parties to the conflict have an interest in manipulating it to their advantage. This was a feature of both the case presentations made to the Seminar: the crisis in Burundi and the war in former Yugoslavia.

The Case of Burundi

The crisis in Burundi erupted in October 1993, when a military coup was attempted and the Head of State assassinated. For several weeks, the country experienced waves of ethnic killing and widespread destruction of buildings, roads and installations. Refugees fled across adjoining borders into Rwanda, Tanzania and Zaire. During subsequent months, political negotiations led to the installation of a new President. In April 1994, the new President died in the same plane crash as the President of Rwanda, an event which precipitated mass crisis in Rwanda. This has inevitably rebounded on neighbouring Burundi, by disrupting the relief programme, creating new waves of refugees in the opposite direction, and creating fears of similar destabilization and carnage. The crisis is highly complex and has ethnic, political and constitutional interconnections.

Gervais Havyarimana, UNICEF's Education Officer in Burundi, told the Seminar that this account of the crisis had been taken from the archives of the Burundian Human Rights League, *Iteka*, a reliable and neutral source of information. The fact that he felt it necessary to make this point illustrates that, in such a crisis — and the same is true of the war in former Yugoslavia — there may not be a local consensus even on the 'bare facts' of what is going on.

Havyarimana then explored which child rights under the Convention have been violated. The list of violations is sobering and illustrates that, in such a context, the Convention can only be used as a checklist of child-centred indicators of multiple forms of suffering. Not only obvious rights — such as the right to life — have been violated, but many overarching rights (such as non-discrimination), all the development rights (given the disruption of schooling and health services), and many protection rights as well. To use the Convention as a basis for protest to the opposing sides seems futile. Human rights violation is fundamental to warfare.

The National Programme of Action for Children, agreed in 1992, is now in disarray. Between October and December, progress towards the Mid-decade Goals stopped in its tracks (vaccination), or went into sharp reverse (a doubling of cases of malnutrition; reductions in school entry). Until 'the right

Child rights most violated during the emergency in Burundi

Article 2: the right not to be the target of discrimination, especially on grounds of ethnic origin.

Article 6: the right to life; 50% of the casualties are children, and more children in the 0-5 age group have been killed; boys especially targeted.

Article 34: the right to protection from sexual exploitation; girls have been raped on threat of death.

Article 37: the right not to be tortured or subjected to cruel, inhuman or degrading treatment.

Article 38: non-participation of children in hostilities; children have been involved in massacres.

Articles 28 and 29: the right to education; teachers have been killed, schools and materials destroyed.

Article 24: right to health care; doctors have been killed or forced into exile, and hospitals destroyed.

to life' can be protected, by stopping the persistent outbreaks of violence, restoring peace and democratic government, and creating a sufficiently stable situation for refugees and displaced people to return home, there can be no expectation of fulfilment of other rights.

Monitoring the rights of children under these circumstances is a highly relative concept. The collection of data about the numbers of children in distress, their family situation or lack of it, their location and their needs is one important task, especially given the unreliability of information and the need to plan relief operations. Other than this, the Convention's overarching principles — especially non-discrimination — can be used as a guide for mounting equitable programmes of relief assistance.

UNICEF has launched specific emergency-related programmes in Burundi to deal with situations of rights-depletion. One, AENA — *Assistance aux enfants non-accompagnés*, identifies children who are orphaned or have lost contact with their parents and places them with alternative guardians. The others relate to the right to education: a drive to re-open the schools by recruiting and training new teachers and conducting building repairs, and an 'education for peace' programme which will attempt to build a spirit of reconciliation in the classroom. In conclusion, Havyarimana suggested that NGOs, especially human rights associations, play an important role in monitoring rights violations and making reports to the Committee on the Rights of the Child. In the context of measuring, more work is needed to identify process indicators for measuring the implementation of children's civil and political rights.

The Case of Former Yugoslavia

The break-up of former Yugoslavia began in mid-1991 with the secession of Slovenia and Croatia. This was opposed by Serbia, and led to the onset of the third Balkan War this century. Subsequently, five republics were declared: Slovenia, Croatia, Bosnia Herzegovina, Serbia and Montenegro (the self-styled Federal Republic of Yugoslavia, FRY), and the Former Yugoslav Republic of Macedonia (FYROM). Since April 1992, civil war has raged in Bosnia Herzegovina, and the FRY has been subject to international economic sanctions for its role in the conflict.

Danielle Maillefer, UNICEF Information Officer in the Zagreb Area Office, described the situation *vis-à-vis* the Convention in the five different republics. All except the FYROM have ratified; in Slovenia and Croatia, a range of sub-committees with representatives from government and NGOs has been set up to monitor the CRC. The press has been an active partner, with its own group: 'Journalists, friends of children'. There is, however, reason to be concerned on behalf of the thousands of refugee children, some of whom are not attending school.

Nothing like war so deprives children of their rights. They are all violated.

Danielle Maillefer

The situations which give rise to most concern are those in Serbia/Montenegro (FRY), where the government is attempting to use the Convention to put pressure on the international community to lift sanctions; and that in Bosnia Herzegovina, where all child rights are routinely violated as a product of war. In both situations, according to Maillefer, it is extremely difficult to identify any useful reaction.

The Serbian government has claimed that the impact of sanctions has been to worsen the state of child health, the provision of maternal and paediatric services, the quality of the water supply, levels of psychological stress, the provision of drugs, and has generated a host of other health and living standard problems. Should UNICEF ignore what appears to be a blatant effort to manipulate international policy on child rights grounds, or should it commission an independent survey to check this data? In Maillefer's view, even the most distinguished scientists have shown a capacity to lose their integrity under the pressure of the war; and it is unclear what suitable action would follow such a report, whatever its findings. She surmised that the most neutral and effective monitoring partners might be the international NGOs.

In Bosnia Herzegovina, the problems of collecting reliable information in the midst of a raging civil war are almost insurmountable. Data from government, local authorities and local media are all untrustworthy: figures are often inflated, depressed, or otherwise manipulated to suit some immediate war objective. Information from the international media

is more reliable but often anecdotal. The most dependable sources are field workers, the International Committee of the Red Cross (ICRC), NGOs and the peace-keeping forces. Some useful survey work has been done to aid the humanitarian relief effort. However, all survey work unrelated to immediate relief needs is treated by the government, whose only concern is whether the results will serve their cause, with great suspicion.

The length of the emergency has repercussions which cannot be foreseen when war begins and everyone assumes that it will only last days or weeks. For example, a child's education does not suffer as a result of a one- or two-month absence from school; but after a year or more, the loss becomes serious. Children who cannot go outside to play will not be affected for a month or two; but after several months, the deprivation takes on a different level of significance. Maillefer believes that these kinds of deprivations, or losses of rights, can be as serious as, for example, temporary deprivations of food or medicine. However, it has sometimes been difficult for UNICEF to convince humanitarian partners that defending these development rights should have a high priority.

At present, the most important ally of children is the international press, whose actions in reporting child distress play an important monitoring function. Their revelations create public outrage in their own societies and put pressure on the international community to act; these actions do help. An area with great potential is that of giving children themselves the opportunity to monitor their own situation. In this context, Maillefer referred to *Colourful Wall*, the children's radio programme broadcast from Sarajevo. UNICEF also conducted a survey in mid-1993 into the degree of psychological trauma suffered by primary-school children in Sarajevo, as part of a major programme of psychosocial counselling in schools. The survey revealed that a large number of children have suffered trauma reactions.

Maillefer believes that real awareness of the rights of children in war has still to develop. Training of local authorities, UNICEF's and other humanitarian staff, and the identification of a suitable methodology for monitoring the rights of children in Bosnia Herzegovina are possible next steps. A study of the situation of children under the current circumstances would provide many useful lessons: no-one was prepared for war in former Yugoslavia, and sadly the prospect of other conflicts in European and other regions makes the task of preparation urgent.

Sarajevo: psychosocial survey of children

In June and July of 1993, 1,505 primary-school children in Sarajevo were surveyed. The results showed that the following proportions of children frequently suffer these symptoms of trauma:

- 23% think that life is not worth living
- 29% feel unbearable sorrow
- 21% feel alone
- 20% have terrifying dreams
- 34% have stomach aches, either from hunger or from psychosocial causes

Addressing Problems Specific to Emergencies

At the international level, the question arose as to what role the Committee on the Rights of the Child could play in the context of wars and civil conflicts: Should it protest on behalf of children to the warring parties involved? Marta Santos-Pais told the Seminar that the Committee happened to be in session when the Rwanda crisis developed. They had contemplated protest but decided against it because it seemed an empty gesture. The Committee's possibilities of pressure were essentially fixed to the States Party reporting process.

At a theme-based discussion on the needs of children in wartime, the Committee had reached conclusions in four fields: that the international standards agreed for the conduct of war (the Geneva Conventions) were often not applied, especially in

internal conflicts, and must be upheld; that conflict prevention was vital, through programmes of education for peace, and through the control and monitoring of arms sales; that protection initiatives should be launched, such as 'Days of tranquillity'; that postwar rehabilitation needed a coherent plan for social reintegration in which all opposing parties and elements of society participated.

Consideration was given to the question of data sources during an emergency. The difference between types of emergency — natural calamities and conflicts — was noted; different situations throw the data-collection process into different types of difficulty and degrees of politicization. After a sudden calamity, direct observation and rule of thumb may be necessary for estimating numbers in distress and the type of relief assistance to be provided. However, as soon as possible more thorough methods of data collection, by rapid assessment or by survey, need to be used. Multi-disciplinary teams should be deployed. Key sources of information are often partners in action: the local Red Cross (Crescent) Society, the ICRC, UNHCR, and both international and national NGOs involved in providing assistance.

In the context of disaster preparedness, it was suggested that training or awareness-building on child rights would be useful, together with database development. Emergency task forces in the relevant UNICEF offices could be set up. Preparedness for emergencies could be synchronized among partners, such as the Red Cross institutions, and human rights bodies such as the 32 State Commissions in Mexico; agreed systems of data collection and input would facilitate the monitoring process when the need arose.

In the context of disaster prevention and preparation, efforts should be made to internalize the Convention on the Rights of the Child and other international standards which promote peace and mutual understanding. During an emergency, the indivisibility of the Convention should be respected, but a hierarchy of survival **needs** should be developed in order to plan the operational response. The concept of survival should also be extended beyond that applied under normal circumstances, as deprivations of rights normally thought of as developmental and participatory could be so acute as to present serious risks of damage to childhood (for example, education and play).

Monitoring should include checks on the situation of need among the child population, and on levels of inputs from government and other sources. A wide variety of partners, including international NGOs and local representative groups of civil society, should be involved.

The role of the media in exposing situations of extreme distress and of mass violations of civilian rights during wartime is extremely important. Anecdotal as some of their reports may be, without their whistle-blowing activities — some undertaken in conditions of great personal danger — many situations of mass deprivation of liberty, rape, torture and other forms of abuse against humanity employed in the madness of war would remain undisclosed. However, it must be emphasized that the media has no formal role in monitoring anything; it is not an automatic partner of those trying to defend rights or meet needs; in the course of journalists' working relationships they turn their 'monitoring' spotlight on all comers, and organizations and individuals may not always feel comfortable in its glare.

For monitoring in conflict situations, you need to have a special temperament. There is a case to be made for having specialized teams for this purpose.

Rolf Carriere

In creeping emergencies, such as drought and famine, journalists may play a preventive role in building awareness of impending disaster. In wars, journalists are avid for information. One role of humanitarian organizations is to steer them towards exposure of social and civilian distress (to which women journalists may be more attuned) instead of reporting exclusively on what is happening on the battlefield. Journalists need accurate and credible information; briefings on the background and context of the crisis; and a clear message from the organizations concerned about their aims. Those who are reluctant to give out information will appear to have something to hide, and at the risk of occasionally being cast in an unwelcome light, it is nonetheless better to be open and — if necessary — self-critical. Training is needed for staff exposed to the media in extremely sensitive situations so that they can avoid putting themselves or their programmes in jeopardy.

VI. Recommendations and Follow-up

Seminar Recommendations

The final day of the Seminar was spent distilling the range of insights and reflections which had emerged over the previous seven days into sets of recommendations for monitoring children's rights. Time was also given to formulating individual work-plans based on experiences gained.

For some participants, the purpose of producing recommendations was to identify key guidelines on what to monitor and how, as well as on how an understanding of the child rights monitoring process should be advanced within UNICEF. For others, the exercise was largely one which helped to reprocess the wide range of material they had handled and arrange it to practical effect; the outcome in terms of recommendations was only important as a Seminar finale. The methodology adopted for the 'drafting of recommendations' session was essentially a compromise between these two perspectives.

A framework for assessing needs and opportunities for monitoring children's rights was used. The monitoring issues were discussed in the context of the three different uses to which the Convention could be put: (i) Advocacy and the application of political pressure; (ii) Policy formulation and programming; (iii) Legal enforcement and compliance. Within each context, monitoring activity required at different levels of society was addressed: international and regional levels; the national level; and the sub-national, district and community levels.

Measurement and social planning activities — such as surveys — were more often proposed for community or sub-national level; advocacy or watchdog activities — such as media services and compiling reports for the Committee on the Rights of the Child — were more commonly proposed at national and international level. In many cases, the level did not define the nature of the activity: many recommendations about programming, or the media, or partnership building, could be applied at sub-national, national or international level.

The methodology used to draw out the recommendations from the Seminar participants was participatory; individual recommendations were collated and merged. The final recommendations represented a synthesis. However, too much brevity appeared to rob the recommendations of strength and coherence, and a somewhat fuller version is presented here.

I. Monitoring in the Context of Advocacy and Political Pressure

At the international and regional levels:

1. *The Committee on the Rights of the Child:* The Committee should be given support to carry out its functions, especially in the form of additional funds. This would allow members to attend relevant meetings, conduct field visits, and improve research capacity. A proposal for support should be brought to the UN General Assembly, with prior advocacy to Heads of State to lend their support.

2. *Institutional opportunities:* Within existing UN, World Bank, donor bodies, professional groups, trade union federations and parliamentary unions, the implementation of the CRC should be introduced as an agenda topic. A Task Force on Child Rights, similar to the Task Force on Child Survival, should be set up — which should itself initiate the process or subject itself to a suitable evolution.

3. *Watchdog mechanism:* Honorary spokespersons — cultural figures and distinguished elder statesmen/women — should be 'appointed' to speak out on gross violations of child rights, for example in situations of war. Conversely, existing human rights organizations, such as Amnesty International, should be encouraged to include a child rights perspective in their work. In addition, the High Commissioner for Human Rights should issue a yearly report on *The State of Child Rights*. These proposals should be taken forward by UNICEF, NGOs and the Committee on the Rights of the Child.

4. *Media:* Special news and feature services on children and child rights should be developed at regional and international level.

At the national level

1. *Institutional opportunities:* Children's rights should be included in the curricula of law schools, teacher training institutes, police academies, departments of social work and criminology, anthropology and sociology. Political parties should also be familiarized with the provisions of the CRC.

2. *NGO coalitions:* To enable monitoring to become an ongoing and holistic process, NGOs should be encouraged to form national coalitions and their capacities to work in a collegial fashion should be strengthened where possible. This will facilitate: national campaigns; theme-based joint activity (e.g. research studies); the preparation of alternative reports for the Committee.

3. *Studies:* The situation analysis regularly prepared by UNICEF and other in-country UN partners and research bodies should be adapted to match the CRC; UN organizations should help NGOs develop their own research and situation analysis capacity; the results of research studies and situation analyses should be disseminated as a part of monitoring.

4. *Legislation:* Reviews of national legislation should be undertaken, and new legislation advocated to match the CRC; this provision also applies at the sub-national level, to state and city by-laws and regulations on vagrancy, custody, foster care and birth (death) registrations.

At the sub-national, district and community level

1. *Media* (also applies at the national level): Media — television, radio, print —should be sensitized to child rights issues. Where possible, local (and national) groups of 'journalists, friends of children' should be formed so that they can be regularly up-dated and 'groomed' on child rights issues.

2. *Watchdogs:* Hotlines and legal aid centres should be established so that children can report abuses and receive assistance. Ombudswork (at national and sub-national levels) — i.e. independent watchdogs to receive complaints and act on them — should be encouraged.

3. *Studies:* Community-based monitoring of out-of-school youth, children in conflict with the law, unimmunized children, children in domestic service or otherwise employed, should be promoted and encouraged; communities should be empowered to advocate and take action on their own behalf in this way. Data should be disaggregated by age, gender and other suitable denominators.

4. *Child participation:* All possible mechanisms for children's own involvement in monitoring their rights should be explored; for example, by their inclusion in school councils, child tribunals, and the use of the child-to-child approach for monitoring exercises.

II. Monitoring for Policy Formulation and Programming

At the international and regional levels

1. *Institutional opportunities:* Work with existing regional bodies (such as the South Asian Association for Regional Cooperation (SAARC), regional human rights groups, etc) to encourage them to launch regional programmes on themes that are particularly relevant in terms of child rights. Suitable examples include programmes to raise age at marriage, counteract child labour, promote girls' education, protect the rights of indigenous groups.

2. *International watchdog:* Persuade the UN Human Rights Commissioner to give particular attention to child rights, which is a more actionable and less sensitive rights area than some others, but equally important.

3. *Partnerships:* Help child rights activists to become more knowledgeable about other relevant conventions, treaties and covenants, such as the Convention on the Elimination of All Forms of Discrimination Against Women, the Geneva Conventions, the Convention on the Prevention and Punishment of the Crime of Genocide, etc., so that they can build more effective alliances with other constituencies.

4. *CRC reporting process:* Assist the Committee on the Rights of the Child in developing guidelines for reporting and monitoring by relevant UN agencies as a companion to the guidelines that the Committee has issued for States Parties.

At the national level

1. *Situation analysis:* Incorporate child rights issues more systematically into the preparation of the Situation Analysis on which UNICEF programming is based at the country level; use the CRC as an overarching framework for National Programmes of Action on behalf of children and UNICEF-Government Plans of Operation.

2. *CRC reporting process:* Disseminate the State Party report and the observations of the Committee on the Rights of the Child widely among the media and decision makers, so as to ensure that the public at large is aware of the performance of their country in relation to the CRC.

3. *Legal review:* Collaborate with parliamentarians and the judicial branch to ensure that national laws are in conformity with the CRC and that the laws are interpreted and implemented to correspond with the best interests of the child.

4. *Research institutes:* Help strengthen the capacity of statistical and research institutes so that they can help more effectively in monitoring child rights.

At the sub-national, district and community level

1. *Surveys:* Simple surveys should be carried out at village/community level to establish the state of children's current enjoyment of their rights, using selected key indicators such as: infant mortality rate (IMR)/under-5 mortality rate (U5MR); health service coverage; school enrolment and completion rate; children in households below poverty level. A major purpose of such surveys would be to identify disparities among gender/ethnic/social groups so that programmes can be designed to reduce them.

2. *Development plans and programmes:* Child rights dimensions should be incorporated into sub-national development plans and programmes of action. Resource implications of such plans should be assessed and resources mobilized for implementing and monitoring the plans.

3. *Development of partnerships:* Programmes to build awareness among teachers, religious leaders, police and NGOs should be launched; alliances should be developed with all groups that can contribute to child rights monitoring.

4. *Watchdogs:* Prepare periodic reports on performances of various districts, municipalities and communities in terms of key child rights; use comparisons between these performance achievements to encourage healthy competition in making progress towards programme acceleration.

III. Monitoring for Legal Enforcement and Compliance

At the international and regional levels

1. *Institutional opportunities:* To ensure that child rights legislation and enforcement is adequately monitored, both existing and new institutional mechanisms should be fully utilized. These include organizations such as ILO (for child labour legislation), regional bodies such as the Organization of African Unity (OAU) group on the African Charter for Child Rights, the Women's Network for Asia and the Pacific (WINAP), and regional and international legal associations. Current reports on the situation of children (*The State of the World's Children* and *The Progress of Nations*) should cover child rights legislation issues, including CRC ratification and modifications in national legislation.

2. *Databases:* Databases used internationally and regionally on subjects affecting children and human rights should include information about child rights legislation and its enforcement.

3. *Ratification and legal review:* Regional and international bodies (OAU, International Commission of Jurists (ICJ) and the International Law Association (ILA)) should encourage governments to ratify the CRC and any regional child rights charters, and to bring their own laws into compliance; in this context, UNICEF and other international organizations may be able to offer technical assistance. The Committee on the Rights of the Child should encourage those States Parties that have entered reservations on the Convention to withdraw them if possible.

4. *Networks:* Regional networks which specialize in child rights monitoring should be set up where they do not already exist, and be encouraged to run training programmes, seminars and workshops on the juridical and law enforcement aspects of the CRC, with technical input from UNICEF, the UN Human Rights Centre, NGOs and the Committee on the Rights of the Child. Information exchange on monitoring issues would be a supplementary activity.

At the national level

1. *Establishment of national commissions:* In order to facilitate compliance with the Convention,

all States Parties should set up National Commissions (or similar bodies) for child rights. Not only will such commissions be able to set time-frames and targets for the implementation of rights, but their existence will allow special efforts to be made in the following areas: on protection and participation rights which are less easily monitored than progress towards health and education goals; compliance with Article 2 on non-discrimination; the analysis of suitably disaggregated social trends; and the elaboration of recommendations for policies and legislation.

2. *Training for law enforcement bodies and social workers:* UNICEF, international NGOs, law faculties and others can take action to ensure that all those who come into contact with children in conflict with the law understand children's rights in relation to the CRC and national legislation. In particular, reporting systems for child abuse and neglect should be established and well-understood by officials, social workers, parents and community members. Special studies may be needed on how traditional practices such as female circumcision are handled by the police, courts, and so on. Curricula in legal and other faculties and police academies should be modified to include child rights.

3. *Legal review:* Constitutional, legislative and juridical provisions of national laws should be examined for gaps and contradictions with the CRC. Where these gaps and contradictions coincide with Article 2 (non-discrimination on the grounds of race, gender, etc.) research and advocacy may be needed to inform legislators and key professionals. Children should be involved in an appropriate way in legislative review and in identifying inadequacies in rights protection for especially vulnerable groups.

At the sub-national, district and community levels

1. *Research and reporting systems:* Existing reporting systems should be reinforced to ensure that adequate monitoring is feasible on child rights in general and on compliance with the relevant laws. Systems of data-gathering should be reviewed; databases introduced; training provided in collecting and interpreting quantitative and qualitative data on child rights.

2. *Produce monitoring guidelines:* Simple, user-friendly guidelines for use by professionals and others involved in monitoring and implementing children's rights — teachers, health workers, social workers, police — should be produced. These guidelines would help ensure that rights violations are reported at local level. Training should be provided in how to apply these guidelines.

3. *Watchdogs:* Watchdog bodies should be set up at all levels to foster compliance with the CRC. Memberships will vary: governmental bodies are needed to monitor the work of NGOs; non-governmental bodies are needed to monitor government activities. Some groups, such as the police, may need their own internal watchdog mechanisms to ensure that their personnel are not violators. Responsibilities would include: awareness building about child rights among the public and officials; special attention to Article 2 (non-discrimination); public information programmes on their existence and how they can be used by members of the public.

In Conclusion

The fifth Innocenti Global Seminar on *Monitoring the Rights of Children* not only fulfilled the objectives laid down at its outset (see box, page 8) but, in so doing, stepped up the quality of the debate around monitoring children's rights and moved it onto new ground.

Up until now, activity surrounding the Convention on the Rights of the Child within UNICEF has been primarily based in the realm of public affairs, and the main task has been seen as advocacy for the purposes of ratification and public awareness. Now that universal ratification is within sight, the emphasis will start to shift towards facilitating real progress towards the implementation of children's rights by the States Parties. The fact that UNICEF hosted this Seminar and brought together such a wide range of expertise to address the issue of monitoring is itself a clear indication that — for UNICEF — programming will be central to the new post-ratification phase, and that the Convention will become much more central to the country programming process.

In the public affairs and advocacy context, as this Report has shown, the monitoring of children's rights and of the Convention itself mainly carries a watchdog connotation. In the programming context,

monitoring is principally a measuring and social planning instrument. A great deal has been done by UNICEF and its partners in recent years to develop and refine the use of global indicators to gauge progress towards child survival and development goals; these indicators have themselves been used as a powerful advocacy tool — in publications such as *The State of the World's Children* and *The Progress of Nations*. They have helped to define the Year 2000 Goals and the Mid-decade Goals, and to measure progress towards the fulfilment both of the goals and of children's rights in the survival and development context.

What the Seminar showed was that, once the Convention is accepted as an overarching framework for addressing problems affecting children, the monitoring challenge requires a new generation of activity, some of which is likely to be of a different nature. To deal with issues of equity, disparity and discrimination, and to deal with protection and participatory rights, what is needed is less a set of universal indicators than a universal technical framework — or set of frameworks — to be adapted *in situ*. A balance has to be struck between the use of cross-cultural indicators and the development of indicators which are locally and culturally specific. This implies certain conceptual leaps — some of which can as yet only be glimpsed.

The wide-ranging recommendations and the follow-up workplans emanating from the Innocenti Global Seminar illustrated the force that exposure to a ferment of ideas can produce among highly motivated members of the broad community working in child-related areas. For all those present, the Seminar was a rich mine of information, reflection and guidance. But there is a long way yet to go before the many dichotomies of the rights monitoring process, and the implications of some of the lessons learned about the quest for indicators, are fully absorbed. Even among Seminar participants, that absorption process is at different stages of completion and as new horizons open up, many questions remain unanswered. All those who attended the fifth Innocenti Global Seminar came away trying to bring these new horizons nearer. Every journey begins with a first step, and this first step can be construed as a major advance towards a new child rights monitoring framework.

ANNEX 1:
SEMINAR FOLLOW-UP

Every participant at the Seminar produced a summary of actions he or she would undertake to promote the monitoring and implementation of children's rights. Some of these 'personal plans' were adaptations of existing work-plans; others stemmed entirely from the Seminar experience.

A number of plans emphasized the need for orientation towards the child rights perspective within UNICEF offices; several participants intended to use their post-Seminar debriefing sessions and reports as a first step in this direction. There is still a pervading impression in UNICEF as a whole that the Convention is exclusively concerned with CEDC issues; the need to present it convincingly to UNICEF staff as a framework for the situation analysis and country programming exercises was widely recognized. Kul Gautam stressed the commitment of UNICEF's Programme Division to the development of global guidelines for helping this process along.

Plans for work beyond the UNICEF office setting included a wide range of activities in the three contexts of Convention implementation: advocacy, policy development and programming, and legal enforcement.

Action for **advocacy** included:

- Work with the media, to sensitize journalists and provide them with information; to form journalists' groups;
- The production of child rights features and newsletters;
- The production of popular versions of the Convention for different audiences (children, teachers, police, etc.) in local languages;
- Programmes for peace education;
- The involvement of children in monitoring activity;
- The development of linkages and networks with NGOs and other child rights activists;
- The convening of children's summits and parliaments.

Action for **policy development and programming** included:

- Promotion of research and the development of research capacity; development of quantitative and qualitative indicators and research methodologies for using them; guidelines on how to do rapid assessment and apply other monitoring methodologies;
- The development of mechanisms for identifying disparities in the fulfilment of rights, and finding ways to realize Article 2 (non-discrimination) and other key provisions of the CRC;
- The development of partnerships, both with NGOs and government; and the development of their capacities for monitoring;
- Inclusion of the CRC into curricula in all kinds of academic and training institutions (legal, social work, police, etc.);
- Support at local, national and international level to the States Parties reporting process;
- Support for information management systems, databases and statistics institutes.

Action for **legal enforcement** included:

- Promotion of the ratification of the CRC;
- Support for the establishment of national Commissions, whose task would be to monitor the implementation of the CRC;
- Promotion of reviews of national and subnational legislation to identify inconsistencies with the CRC and recommend legislative change;
- Provision of technical support and training in child rights for police, members of the judiciary system, lawyers, etc.;
- The establishment of complaints mechanisms, such as hotlines;
- Promotion of ombudswork, and exchanges between ombudsbodies (also specially relevant for advocacy);
- Support for social action litigation to promote children's rights.

ANNEX 2:
GOALS FOR CHILDREN IN THE 1990S

The following is the full list of year 2000 goals which the world's political leaders agreed upon — as being technically and financially feasible — at the World Summit for Children on 30 September 1990.

Overall goals 1990-2000

- A one-third reduction in under-five death rates (or a reduction to 70 per 1,000 live births — whichever is lower).
- A halving of maternal mortality rates.
- A halving of severe and moderate malnutrition among the world's under-fives.
- Safe water and sanitation for all families.
- Basic education for all children and completion of primary education by at least 80%.
- A halving of the adult illiteracy rate and the achievement of equal educational opportunity for males and females.
- Protection for the many millions of children in especially difficult circumstances and the acceptance and observance, in all countries, of the recently adopted Convention on the Rights of the Child. In particular, the 1990s should see rapidly growing acceptance of the idea of special protection for children in time of war.

Protection for girls and women

- Family planning education and services to be made available to all couples to empower them to prevent unwanted pregnancies and births which are 'too many and too close' and to women who are 'too young or too old'. Such services should be adapted to each country's cultural, religious, and social traditions.
- All women to have access to prenatal care, a trained attendant during childbirth and referral facilities for high-risk pregnancies and obstetric emergencies.
- Universal recognition of the special health and nutritional needs of females during early childhood, adolescence, pregnancy, and lactation.

Nutrition

- A reduction in the incidence of low birth weight (under 2.5 kg) to less than 10%.
- A one-third reduction in iron deficiency anaemia among women.
- Virtual elimination of vitamin A deficiency and iodine deficiency disorders.
- All families to know the importance of supporting women in the task of exclusive breastfeeding for the first four to six months of a child's life.
- Growth monitoring and promotion to be institutionalized in all countries.
- Dissemination of knowledge to enable all families to ensure household food security.

Child health

- The eradication of polio.
- The elimination of neonatal tetanus (by 1995).
- A 90% reduction in measles cases and a 95% reduction in measles deaths, compared to pre-immunization levels.
- Achievement and maintenance of at least 90% immunization coverage of one-year-old children and universal tetanus immunization for women in the child-bearing years.
- A halving of child deaths caused by diarrhoea and a 25% reduction in the incidence of diarrhoeal diseases.
- A one-third reduction in child deaths caused by acute respiratory infections.
- The elimination of guinea worm disease.

Education

- In addition to the expansion of primary school education and its equivalents, today's essential knowledge and life skills could be put at the disposal of all families by mobilizing today's vastly increased communications capacity.

ANNEX 3:
AGENDA OF THE FIFTH INNOCENTI GLOBAL SEMINAR

1. Monday, 23 May

Morning

Welcome and introductions
(Jim Himes, Teresa Albanez, Kimberly Gamble-Payne and Alan Silverman)

The global context for child rights monitoring: integration of monitoring the CRC, Goals, NPAs and country programme — how this all fits together
(Leila Bisharat)

Afternoon

The Convention on the Rights of the Child: an examination of the overall instrument and key articles
(Thomas Hammarberg)

2. Tuesday, 24 May

Morning

Indicators to monitor the **survival** rights: Which articles are we speaking about? What are some of the possible key monitoring indicators, both quantitative and qualitative? For this area especially, what is the relationship to (mid-decade) goal monitoring?
(Leila Bisharat)

Afternoon

Indicators to monitor the **development** rights: Which articles are we speaking about? What are some of the possible key monitoring indicators, both quantitative and qualitative?
(Ed Madinger)

3. Wednesday, 25 May

Morning

Indicators to monitor the **protection** rights: Which articles are we speaking about? What are some of the possible key monitoring indicators, both quantitative and qualitative?
(Jo Boyden)

Afternoon

Indicators to monitor the **participation** rights: Which articles are we speaking about? What are some of the possible key monitoring indicators, both quantitative and qualitative?
(Per Miljeteig)

4. Thursday, 26 May

Morning

Monitoring at the international level, especially the work of the Committee on the Rights of the Child
(Marta Santos-Pais)

Afternoon

Monitoring at the national level, especially the governmental perspective
(Bertil Lindblad

5. Friday, 27 May

Morning — Monitoring at the sub-national level, especially at the municipality and community levels
(Kimberly Gamble-Payne and Heidi Larson)

Afternoon — Monitoring by NGOs and academic institutions
(Per Miljeteig)

6. Saturday, 28 May

Morning — The media as monitor
(Mehr Khan, Peter Adamson and Iain Guest)

7. Monday, 30 May

Morning — Monitoring child rights in emergencies and situations of crisis
(Gervais Havyarimana and Vesna Bosjnak)

Afternoon — Databases for monitoring child rights
Demonstrations of actual databases, such as DEEDS and Childnet
(Howard Dale)

Innocenti work on database for child rights
(Patricia Light)

8. Tuesday, 31 May

Morning — Recommendations for monitoring of child rights
(Jim Himes)

Afternoon — Follow-up plans from this seminar. Evaluation
(Kimberly Gamble-Payne and Alan Silverman)

ANNEX 4:
PARTICIPANTS AND INVITED SPEAKERS

- *Khalida Ahmad*
  Asst. Programme Officer
  UNICEF Islamabad
  Pakistan

- *Teresa Albanez*
  Special Advisor to the
  Executive Director
  UNICEF NYHQ

- *Bernard Bainvel*
  Assistant Project Officer
  UNICEF Ulaanbaatar
  Mongolia

- *Leila Bisharat*
  Director, Planning and Coordination
  UNICEF NYHQ

- *Maggie Black*
  Consultant
  Oxford, UK

- *Nordov Bolormaa*
  Chairperson
  National Centre for Children
  Mongolia

- *Jo Boyden*
  Consultant
  Oxford, UK

- *Rolf Carriere*
  Representative
  UNICEF Dhaka
  Bangladesh

- *Howard Dale*
  IRM Officer
  UNICEF Geneva
  Switzerland

- *Peter Onyekwere Ebigbo*
  National President
  Nigeria Chapter of ANPPCAN
  Lagos, Nigeria

- *Mohammed Said El-Dakkak*
  Dean, Faculty of Law
  Alexandria University
  Egypt

- *Gabriel Fernandez*
  Info./Comm. Officer
  UNICEF Windhoek
  Namibia

- *Kimberly Gamble-Payne*
  Chief, Child Rights
  & Public Policy Section
  Division of Public Affairs
  UNICEF NYHQ

- *Emilio García Méndez*
  Regional Advisor for Child Rights
  UNICEF Bogota
  Colombia

- *Kul Gautam*
  Director, Programme Division
  UNICEF NYHQ

- *Eva Geidenmark*
  Programme Officer
  Rädda Barnen
  Sweden

- *Cecilia Gjurdrum*
  Education Officer
  UNICEF Bujumbura
  Burundi

- *Iain Guest*
  Media consultant
  UK

- *Thomas Hammarberg*
  Member, Committee on the
  Rights of the Child

- *Gervais Havyarimana*
  Education Officer
  UNICEF Bujumbara
  Burundi

- *Jim Himes*
  Director, UNICEF ICDC
  Florence, Italy

- *Urban Jonsson*
  Regional Director
  UNICEF Regional office
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ANNEX 5:
SUGGESTED BASIC READING LIST

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Ledogar, R.J., 'Implementing the Convention on the Rights of the Child Through National Programmes of Action for Children', *International Journal of Children's Rights*, vol. 1, nos. 3-4, 1993.

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The following bibliographies, prepared for the Seminar by UNICEF ICDC, are available from the Centre:

A Selection of General Further Readings on Children's Rights and Implementing the UN Convention on the Rights of the Child, Including Child Rights Advocacy.

A Bibliography on Ombudswork as a Concept in Human Rights.

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